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GENERAL LAWS
OF
THE STATE OF INDIANA,

PASSED AT

THE THIRTY-FIRST SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE FIRST MONDAY IN DECEMBER, 1846.

BY AUTHORITY.

INDIANAPOLIS:

J. P. CHAPMAN, STATE PRINTER.

1847.

THE STATE OF INDIANA

THE THIRTY-FIRST SESSION

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GENERAL LAWS.

CHAPTER I.

An Act supplementary to an "An Act to provide for the Funded Debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19, 1846.

[APPROVED JANUARY 27, 1847.]

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, And it is hereby declared, in virtue and exercise of the option reserved to the State by the thirty-second section of the said act, that the outstanding bonds of the State, shall be surrendered by the holders thereof, and a new issue made in exchange therefor, of two certificates to be respectively signed and sealed, and otherwise verified by or on behalf of the State, as provided in the second section of the said act. Each such certificate to be for an equal moiety of the principal money secured by the bond or bonds, for which the same shall be exchanged, and to bear interest at and after the rate of five per centum per annum, as provided by the thirty-second section of said act;—such interest to be computed from the first day of January, 1847; that one of such certificates, with interest thereon, as aforesaid, shall be paid by the State, out of the revenues thereof as provided in the said thirty-second section of the said act and shall be redeemable at the pleasure of the State, after twenty years, as provided in the first section of the same act—and the other of such certificates with interest thereon as aforesaid, shall be paid out of the canal lands and the tolls and revenues of the said canal, as also provided by the thirty-second section of the said act; and that such certificates, in the

Exchange of bonds.

Interest, how computed.

Certificates, how redeemable.

form mentioned in the schedule to this act, shall be issuable as provided in the second section of said act, as modified by this.

Certificates for interest to constitute special stock.

SEC. 2. That certificates for arrears of interest in the form mentioned in the schedule to this act, computed from the first day of January, 1841, to the first day of January, 1847, on the respective moieties of the outstanding debt of the State hereinbefore mentioned or referred to, shall be issued at the same time above in this act mentioned, and shall constitute a special stock; that the amount of such of said certificates for interest as shall be chargeable on taxation as hereinbefore mentioned, shall be funded as of the first of January, 1853, and shall *bear interest* from that day, but not before, at and after the rate of two and a half per centum per annum, payable semi-annually on the first day of July and the first day of January in every year, and the first half-yearly payment of such interest shall become due and be paid on the first day of July, 1853. That the amount of such of the said certificates for interest as shall be chargeable on the canal lands and the tolls and revenues of the said canal, shall likewise be funded as on and from the said first day of January, 1853, and shall bear interest as on and from that day, but not before, at and after the rate of five per centum per annum, which interest shall also be paid semi-annually on the first day of July and the first day of January in every year, and the first half-yearly payment thereof shall become due and be paid on the first day of July, 1853, and new certificates bearing interest after the rate, and payable at the times lastly mentioned, shall be issued and delivered out by the said trustees, to the parties respectively entitled thereto, when the certificates for the principal shall be issued and delivered to such parties, as specified in the first section of this act.

Interest, how paid.

SEC. 3. That the amount of interest to accrue from the first of January, 1847, to the first January, 1853, inclusive, on that moiety of the principal sum secured by each bond surrendered and exchanged as aforesaid, and which is to be paid out of the revenues of the State alone, and being at the rate of five per centum per annum on such moiety, shall be paid by the State in the manner provided in the first section of the said act, that is to say, on the principal specified in such last mentioned certificate, the State shall and will pay interest at and after the rate of four per centum per annum from the first day of January, 1847, which interest shall be paid semi-annually, namely, on the first day of July

and the first day of January in every year, the first payment of such interest to be made on the first day of July, 1847, up to and inclusive of the first day of January, 1853; and the remaining one per centum shall be added to and form part of the special stock, so called, and be put on the same footing; and at the time of the said semi-annual payment of the four per centum, and up to the said first day of January, 1853, inclusive, a separate certificate shall be given for the said one per centum, (to make up the five per centum aforesaid), which certificate shall as near as may be, conform to that which by the second section of this act is required to be issued for the arrears of interest accruing between first January, 1841, and first January, 1847, and made payable in the same manner, and shall bear the same rate of interest, from and after first January, 1853; or, the aggregate amount of said one per centum from 1847 to 1853, may in the first instance be added to and included in the certificate to be issued for the arrears of interest accruing prior to first January, 1847, as, and when the said certificates shall be issuable, according to the second section of this act: *Provided*, That if the revenues of the State to be derived from the property tax and poll tax in the said first section of the said act mentioned, shall not be sufficient, by reason of the causes in the same section mentioned, to pay in full said interest of four per centum per annum, then and in that case the State shall only be required to pay up to the said first day of January, 1853, such rate of interest as the par funds in her treasury, derived from the taxation aforesaid, shall enable her to do, which shall be paid and distributed pro rata on the principal specified in such last mentioned certificates of stock issued for the principal, and the deficit with six per centum per annum from the time it became due, the State shall make up and pay to the holders of such last mentioned certificates on or by the first day of January, 1853; and from time to time, at each semi-annual payment up to 1853, shall give to the holders of said certificates a separate certificate for the amount of said deficit: *Provided*, That no money shall be actually paid over to any holder of any certificate until bonds to the amount of four millions of dollars, exclusive of interest, shall be surrendered for cancellation, as provided in said original act, as modified by this.

Proviso.

Proviso.

SEC. 4. That the amount of interest to accrue from the first of January, 1847, to the first of January, 1853, inclusive, on that moiety of the principal sum secured

Interest paid by trustees out of canal lands.

by each bond surrendered and exchanged as aforesaid, and which is to be paid by the trustees out of the canal lands and the tolls and revenues of the canal only, and being at the rate of five per centum per annum on such moiety, shall be paid by the said trustees in the same manner provided in the tenth section of this present act: *Provided*, That if the proceeds of the said canal lands and the tolls and revenues of the said canal shall not (after defraying all needful expenditures and outlays for repairs, attendance, and other necessary things appertaining thereto, as in the thirteenth section of the said act is mentioned,) be sufficient to pay in full the said interest which shall accrue from the said first day of January, 1847, to the said first day of January, 1853, inclusive, as provided in the said tenth section of this act, the deficiencies (if any) of said canal lands and tolls and revenues to discharge such interest as last aforesaid, shall on the said first day of January, 1853, be also converted into a special stock, bearing interest at the rate of five per centum per annum, but shall only be payable out of the said canal lands and tolls and revenues of the said canal, and for which proper certificates of stock shall be issued from time to time as the deficiencies accrue.

SEC. 5. That payment of interest upon certificates chargeable upon the State, whether original certificates, or special stock, shall be made from time to time on such certificates only as shall have been registered with the agent of the State at New York, (as directed by said act,) during the half year prior to such interest becoming due.

SEC. 6. That bondholders who shall not subscribe before the first day of November, 1847, to the completion of said canal as hereinafter mentioned, and shall not surrender their bonds in exchange for certificates before the first day of December, 1847, and who shall therefore be excluded from the right to become subscribers to the completion of said canal and works, shall nevertheless be entitled to receive a certificate for such amount of interest as shall have accrued, payable out of the State revenues due to such bondholders under the provisions of the said act and of this act, from the first day of January, 1847, to the half-yearly day of interest happening immediately *before* the day when they shall register their bonds as aforesaid, but *not* to any money payment in respect thereof, and the amount of interest represented by such last mentioned certificate, shall be funded together with the special stock, on the first January, 1853.

SEC. 7. That instead of the previous surrender and cancelation of the amount of bonds specified in the thirtieth section of the said act, the bondholders shall be, and they are hereby required, to surrender for cancelation, bonds to the amount of not less than four millions of dollars of principal, exclusive of interest thereon; and that the subscription for the completion of the said canal, instead of that now required by the sixth section of the said act, shall be twenty per centum on the amount so to be surrendered and cancelled, unless the aggregate amount of said per centage shall exceed eight hundred thousand dollars, in which case the said per centage shall be proportionably reduced to the bondholders respectively, but so nevertheless that such last mentioned sum of eight hundred thousand dollars be fully subscribed, and further, that the time limited by the sixth section of the said act for subscriptions, shall be extended from the first January, 1847, to the first June, 1847, and that the time for such surrender and cancelation, and for the exchange of bonds for certificates, and for the registration thereof in the city of New York by the agent of State, as directed by the second section of the said act shall be, and the same is hereby extended from the first day of January, 1847, to the first day of July, 1847: *And provided also*, That any other bondholder shall have the right at any time prior to the first day of November next, but not thereafter, to subscribe to the advance aforesaid upon the amount of bonds held by him, and on payment by him to the trustees, of his pro rata share of said subscription, together with interest from the first day of June, 1847, at the rate of six per centum per annum, and on surrender and exchange of his bonds according to the provisions aforesaid, he shall thenceforth be placed on the same footing in all respects as the previous subscribers.

SEC. 8. That every bondholder who shall surrender any amount of bonds in exchange for certificates, and shall subscribe on such amount towards the completion of the said canal and works as aforesaid, and shall on or before the said first day of November, 1847, pay into the hands of the trustees for the time being, five per centum on the amount of bonds so surrendered by such holders of certificates, as, and by way of *deposit* thereon, and shall afterwards duly answer and pay any calls which may be thereafter made in respect of such subscription, under and by virtue of the ninth clause of the said act, shall have, and be entitled to, all the benefit of the priorities given, or intended to be given, by the

Proviso.

Interest to be paid by State.

Bondholders not subscribing, to receive a certificate.

Amount of bonds to be surrendered.

Proviso.

What bondholders to have priority.

said act, (as amended by this act,) to parties subscribing towards the completion of the said canal and works: And it is hereby expressly declared, that from and after the said first day of November, 1847, no party whosoever, whether bondholder or not, shall have any right or claim to *subscribe* to the advance aforesaid, nor to pay up his pro rata, or any share of the said advance, nor otherwise to be placed on the same footing, as if he had originally subscribed thereto; anything in the fourteenth section or any other section of the said act, to the contrary notwithstanding. Nevertheless, time shall be allowed to all parties subscribing and paying the aforesaid per centage or deposit on their respective subscription in manner, and within the period hereinbefore limited and appointed for that purpose, to deposit their bonds in exchange for certificates until the first day of December, 1847: *Provided*, That nothing herein contained shall prevent, or be deemed or taken to prevent any bondholder, from availing himself after the said first day of November, 1847, of the benefit of the said act, as modified by this, so far as relates only to the surrender and exchange of his bonds for certificates as therein mentioned, but without any right of subscription, or any right to the priorities given by the said act, or by this act, to *subscribers*. *Provided, further*, That the State will make no provision whatever hereafter, to pay either principal or interest on any internal improvement bond or bonds, until the holder or holders thereof shall have first surrendered said bonds to the agent of State, and shall have received in lieu thereof, certificates of stock as provided in the first section of this act; any thing in this act to the contrary notwithstanding.

SEC. 9. This act shall be in force from and after its passage; and the said original act is hereby declared to be in full force, except so far as the same is hereby modified; and so soon as an amount of bonds, of not less than four millions of dollars, exclusive of interest, shall have been subscribed for as provided in this act, and notice thereof given to the agent of State in New York, or to the governor of the State of Indiana, then it shall be lawful for such subscribers to elect two trustees, in the manner as provided for in the eleventh section of this act, and said subscribers shall thereupon pay over to the said trustees five per centum upon the amount of bonds so subscribed by them severally. And it is hereby expressly declared that so soon as the governor of said State shall be satisfied upon proper evidence, to be submitted to him, that bonds to the

Time allowed.

Proviso.

Proviso.

Bondholders may elect two trustees when \$4,000,000 are subscribed.

Governor shall convey canal, &c. by deed.

amount of five millions, five hundred and forty-five thousand dollars, exclusive of interest, have been surrendered for exchange and cancelation, and are in the hands of the agent of State for that purpose, and that the said five per centum has been paid over, he shall convey by deed, the Wabash and Erie canal, and the lands and tolls, and all other the premises mentioned in the eighth section of the said act to the said trustees, as therein provided and not before: *Provided, nevertheless*, That upon the subscription and payment as hereinbefore mentioned, being made, and satisfactory evidence thereof given to the governor, he is hereby directed to authorize the said trustees to take charge of said canal and its appurtenances, with full authority to commence and direct all operations thereon, or in any wise connected therewith, as contemplated by this and the former act on this subject. *Provided, further*, and it is hereby enacted that, unless holders of bonds to the amount of four millions of dollars, as provided for in the seventh section of this act, shall bona fide subscribe five per centum on that amount, and pay such last mentioned per centage to the trustees as aforesaid, on or before the said first day of June, 1847; and unless bonds to the amount of four millions of dollars, exclusive of interest, shall be surrendered for cancelation, as provided in said original act, as modified by this, on or before the first day of July next, then and in that case the said former act, and this act, and every clause, proviso, matter, and thing therein and herein respectively contained, shall cease, determine, and be utterly void.

SEC. 10. That in lieu and stead of the scale of distribution and application, as in the eighth and thirteenth sections of the said act directed, of the tolls and revenues of said canal, after defraying all needful and proper expenditures for repairs, attendance, and other necessary things, appertaining thereto, which shall be first paid, any thing in the said former act or this act to the contrary notwithstanding; and of the produce of the said canal lands, (sold and unsold,) the same shall be held and applied by said trustees, in trust and security, for the uses and purposes following, that is to say:

First, In payment of the work, labor, and materials, or contracts, for the supply of work, labor, or materials, to be done and furnished in and about the further prosecution and construction of the said canal and works, until the same shall have been fully completed to Evansville, as the moneys to be paid for the same shall, from

\$5,545,000 bonds to be surrendered.

Lands, &c. &c. to be conveyed.

Proviso.

\$4,000,000 bonds to be surrendered.

Act may cease to operate.

Scale and order of payment for work, material, &c. on canal.

time to time, become due and payable; but not by way of anticipation, and of all needful and proper expenditure for repairs, attendance, and other causes, save and except so far as regards the *existing* tolls and revenues of the said canal, which are hereinafter declared to be expressly appropriated for and towards payment of interest, at six per centum per annum, on the sums to be subscribed, for the completion of the said canal and works, and which existing tolls and revenues are hereby declared to be excepted from the operation of this clause to that extent:

Secondly, In payment of interest, after the rate of six per centum per annum, on the sums to be respectively advanced by the holders of certificates to the said trustees, from time to time, in aid of the completion of the said canal and works, and to be computed from the respective times of advancing and paying such principal sums respectively, such interest to be payable in the city of New York, by equal half yearly payments, on the first day of January, and the first day of July, in each and every year, the first half yearly payment to be made on the first day of January, 1848:

Thirdly, In payment in full of the principal sums advanced, or to be advanced by the holders of certificates subscribing as aforesaid, for and towards the completion of the said canal and works, and from time to time remaining due:

Fourthly, In payment in full to the subscribers making the said advances, or to their assignees, of interest, at and after the rate of five per centum per annum, on the moiety of the principal of the bonds, which they may have surrendered and exchanged for certificates as aforesaid, such interest being, to be computed from the said first day of January, 1847:

Fifthly, In payment in full to the subscribers making such advances or their assigns, of the principal of the special stock to be issued to cover the arrears of interest due and accruing from the first day of January, 1841, to the first day of January, 1847, as fast as the same can be done, with interest on the same, at and after the rate of five per centum per annum, to be computed from the first day of January, 1853:

Sixthly, In payment in full to the subscribers making the said advances, or to their assigns, of the principal moneys secured by each such certificate, so charged over against the canal lands, and the tolls and revenues of the said canal:

Seventhly, In payment in full to the other holders of

any certificates of stock by the said act directed to be issued and charged as aforesaid, (such holder not being a subscriber to the said advance,) or their assigns, of interest at and after the rate of five per centum per annum, on the amount of the principal thereof.

Eighthly, In payment in full, to the holders of certificates of special stock to be issued and charged as aforesaid, (such holders not being subscribers to the said advance,) or their assigns, of the principal of such special stock, with interest on the same, at and after the rate of five per centum per annum, to be computed from the said first day of January, 1853:

Ninthly, In payment in full to the holders of such last mentioned certificates, (not being subscribers,) or their assigns, of the amount of the principal thereof respectively:

Tenthly, To pay into the treasury of the State, any surplus or balance which may remain in the hands of the said trustees, after making the several payments in the nine preceding classes mentioned; and, it is hereby declared, that such sums shall from time to time be paid and applied as soon as conveniently may be after the receipt thereof: saving the just rights of the holders of bonds now outstanding and known as the Wabash and Erie canal bonds, as provided for in the eighth section of this act: *Provided*, That after the payment in full of said subscribers or their assigns, as aforesaid, the holder or holders of any certificate whose, or whose assignor's bond or bonds were surrendered and cancelled, as in the said original act and this supplement is provided, on or before the first day of May, 1850, shall be entitled to the same preference and priority in the payment thereof, and to be paid in the same manner, as is provided for the payment of said subscribers to said advance, and their assigns, according to the time of such surrender and cancelation; any thing in this or the said original act to the contrary notwithstanding. *And provided*, That all payments of principal and interest to be made under or by virtue of this act, or the said recited act, amongst the said several classes of subscribers or holders of certificates (as the case may be) shall be made pro rata amongst the subscribers and holders of certificates in each such class, in the order and priority of payment given or intended to be given to each such class respectively, as aforesaid, first paying, in full, those first entitled and so on, *toties quoties*; and no interest shall at any time be charged upon any semi-annual deficit of interest which the revenues of the canal shall fail to pay: *Provided*, *also*, That the proceeds of sales of the lands in the Vin-

Proviso.

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cennes land district shall be applied only to the construction of the canal from Terre Haute to Evansville, or to the re-payment of the cash advances made by the bondholders for that purpose, until the said canal shall have been completed. The trust hereby created shall cease and determine, upon the payment of the principal of said certificates, which are hereby authorized to be paid out of the proceeds of said canal, at any time after twenty years from the passage of this act; and the State hereby reserves the right to redeem any of such certificates, at any time twenty years after the passage of this act, and after the re-payment of said advance, as herein provided, by paying the legal holder thereof the principal sum due thereon.

Subscribers to
elect 2 trustees

SEC. II. That so soon as conveniently may be after the passing of this present act, two trustees, qualified by citizenship and residence as in said seventh section of the said recited act is provided, shall be elected by a *majority in number and value* of the subscribers towards the completion of the said canal, who shall have given notice in writing of their subscriptions to the agent of the State in the city of New York, or if no such agent at New York, then to the governor of Indiana, as mentioned in the ninth section of this act, such subscribers being present personally or by agent duly authorized by proxy at some meeting to be convened and holden in New York for that purpose, by and on the part of such subscribers, of which not less than one calendar month's previous notice, stating the object, and time, and place of such meeting, shall be thrice inserted in the London Gazette and "Times" newspapers, and in two of the principal New York daily journals, and the resolutions to be signed by the chairman presiding at such meeting of subscribers, shall be a sufficient warrant and authority for the election of the two persons to be then and there elected as trustees, for and on behalf of the said subscribers, and such election shall therefore be deemed, taken, and acknowledged to be a good and valid election of such two trustees, and that such election was duly made under and in compliance with the provisions of the said recited act: *And it is further enacted*, That no such election to be made as last aforesaid shall be or become void or voidable by reason of any technical informality in the proceedings, or of any verbal defects or clerical errors, or by reason of the omission of notarial legalization, in or to any power or powers of attorney or other instrument or instruments of substitution to be made or executed by any subscriber or subscribers, bona

One month's notice of said election to be given, and how.

Election not to be void for informality, &c.

fide to enable his, her, or their representatives to vote on his, her, or their behalf at such election of trustees as aforesaid, and produced at such meeting for that purpose, nor shall such election be or become voidable by reason of any omission to hold the proceedings herein enacted, in public or before any judge, magistrate, or other judicial officer, or to record the same in any court of law or equity, or other tribunal or place of justice, (any law, usage or custom to the contrary thereof in any wise notwithstanding): *Provided, nevertheless*, That each of the said trustees shall, after such their and his election as aforesaid, and before entering on his and their duties, take the oath or affirmation for the faithful and impartial discharge thereof, and give the bond to the State with security to be approved by the governor, for the proper discharge of his and their duties as is mentioned and provided in the tenth section of the said recited act: *Provided, also*, That a duplicate of said resolutions to be signed by said chairman, and by him duly acknowledged before the mayor and recorder of the city of New York, or before any judge of any court of record in said city, or any commissioner resident in said city duly authorized to take the acknowledgment of deeds to be recorded in the State of Indiana, shall be by said chairman forwarded by mail, addressed to the governor of the State of Indiana, which shall be filed by him in the office of the secretary of State. *Provided further*, That after said subscribers making said advances, shall be paid in full the principal money secured by such certificates, it shall be lawful for a majority in number and value, of the other holders of any certificates of stock by this or the said original act authorized to be issued, and charged upon said canal as aforesaid, to elect trustees in like manner and subject to the same conditions as is provided for the election of trustees by the said subscribers, and such trustees shall comply with and be governed by all laws, rules, and regulations, and possess the same powers and perform the same duties as such trustees elected by said subscribers: *And, provided further*, That if a majority in number and value, of the other holders of said certificates, neglect to so elect trustees as aforesaid, for the space of six months after said subscribers shall be paid in full as aforesaid, that then and in that case it shall be lawful for, and it is hereby made the duty of the two houses of the legislature, at its next session, to elect the same, in the same manner as judges of the circuit court are now authorized to be elected; or in case said six months expire during the recess of the legislature, the

Trustees to take oath, give bond, &c.

Duplicate of resolutions to be forwarded to governor of Ind.

Other trustees may be elected &c.

Proviso.

governor shall appoint the same, and the persons so appointed shall hold their offices until the close of the next session of the legislature, and until their successors are duly elected and qualified; and such trustees shall comply with and be governed by all laws, rules, and regulations, and possess the same powers and perform the same duties, as if the said trustees were elected by the holders of said certificates: *And, provided further*, That the trustees elected by said subscribers shall hold their said offices for six months after said subscribers or their assigns shall be paid in full as provided for in the tenth section of this act, and until their successors are elected and qualified.

Proviso.

Office of trustees for what cause vacated, and how filled.

SEC. 12. AND WHEREAS, It is enacted by the said seventh section of the said recited act, that such trustees shall "hold their offices for the term of three years from the time of their said election and appointment and until others are elected or appointed in their places:" AND, WHEREAS, by the twelfth section of the said act, it is declared (amongst other things) that "whenever any vacancy shall occur in the board of trustees by death, resignation, or other causes, such vacancies shall be filled up by the general assembly, or by the subscribers aforesaid, or their assignees, to whom belonged the election of the trustee, whose seat shall become vacant, as the case may be," but no provision is made in the said act, for the manner and form in which such vacancy shall be supplied: AND WHEREAS, by the twenty-seventh section of said act it is (amongst other things) declared that "should either of the said trustees embezzle or fraudulently convert to his own use, or secrete with intent so to convert to his own use, any of the funds, choses in action, securities or effects, which may come to his hands or possession, under or by virtue of the trusts created by the said recited act, the trustee so offending shall be deemed to have committed the crime of grand larceny, and upon conviction thereof, shall suffer the punishment prescribed for that offence," as in the said recited act more particularly mentioned; but no provision is made in the said act for the discharge or removal of such offender. Now, therefore, *be it enacted*, That in case of the death, resignation, refusal to act, permanent absence, or bodily or mental infirmity, of any or either of the said trustees, whereby such trustee shall be rendered incapable of fulfilling the duties of the said trust, according to the true intent and meaning of the said act; or in case any or either of the said trustees shall embezzle, or fraudulently convert to his own use, or secrete with

Who may not be trustees on the part of the State.

For what acts the office may be deemed vacant, and how filled.

that intention, any of the property which may come to his hands or possession, by virtue of the trust aforesaid, whether such events shall happen during the said first three years of the said trust, or at any time afterwards during the continuance of the said trust; then, and in every such case, the place of the trustee so dying, resigning, or refusing to act, becoming permanently absent, or incapacitated, or embezzling, or fraudulently converting to his own use, or secreting with that intention, any of the trust, property as aforesaid, shall be deemed and be taken to have become and be absolutely vacated, and immediately thereupon such vacancy shall, as to the trustee to be named by the State, be filled up by the general assembly, if in session, or if in the recess, then by the governor, as directed by the said twelfth section of the said act; and when so appointed, shall hold his office until the meeting of the next general assembly; and such vacancy or vacancies as to the two trustees, or either of them, to be elected by the said subscribers, in the manner hereinbefore and in the said recited act mentioned, shall be filled up in like manner by the subscribers; and such new trustee or trustees, when named by the State as aforesaid, or elected by the said subscribers as aforesaid, as the case may be, shall immediately upon such election or appointment, and after taking the oath or affirmation, and giving the bond with security, as directed in said tenth section of the said act, stand and be possessed of and invested with the same powers and authorities in all respects as if they or he had originally been elected or appointed trustee or trustees for the purposes of the said act: *Provided, also*, And it is hereby expressly enacted and declared, that when either or both of the trustees to be elected by the subscribers towards the completion of the said canal, and its works, as in the eleventh section of this present act mentioned, shall, at any time whatever, misconduct himself or themselves in his or their office, or shall become bankrupt or insolvent, or make or offer any compromise with his or their creditors, then and in every such case, it shall be lawful for a majority of such subscribers in number and value present personally, or by agent duly authorized by proxy, at any meeting to be convened and holden in New York for that purpose, by and on the part of such subscribers, of which one month's previous notice shall have been given, by or on the part of said subscribers, in manner in the said eleventh section of this act provided, or as near thereto as circumstances will permit, and full power and author-

Proviso.

ity is hereby given to said subscribers for that purpose, forthwith to remove such trustee or trustees from his or their office of trustee, and at the same meeting to elect one or more trustee or trustees in the place and stead of such trustee or trustees to be so removed as aforesaid, as in the eleventh section of this act mentioned, and the resolutions to be signed by the chairman presiding at such meeting of subscribers, shall be a sufficient warrant and authority for the removal of such first mentioned trustee or trustees, and the election of one or more new trustee or trustees in his or their place or stead, for and on behalf of the said subscribers, and such removal or removals, and election or elections respectively, shall be deemed, taken, and acknowledged, to be good at law and in equity (anything hereinbefore or in the said recited act to the contrary notwithstanding.) And it is hereby further declared, that such new trustee or trustees when so elected as hereinbefore mentioned, shall immediately upon such election, and after taking the oath or affirmation, and giving the bond and security as directed by the said tenth section of the said recited act, stand and be possessed of and invested with the same powers and authorities in all cases as if he or they had been originally elected or appointed trustee or trustees, for the purposes of the said act. *Provided, also,* That no person shall hold or be eligible to the office of trustee on the part of the State who is notoriously bankrupt or insolvent; and in case such State trustee shall at any time whatever become bankrupt or insolvent, or make or offer any compromise with his creditors, or be guilty of any gross misconduct in office, then and in that case, the office shall be deemed and taken to be absolutely vacated, and immediately thereupon said vacancy shall be filled by the general assembly, if in session, or otherwise by the governor, until such time as an election is made by the general assembly as provided in the twelfth section of said act: *Provided, also,* That the said trustees, and each and every of them, shall be, and they are hereby expressly prohibited from taking or being directly or indirectly interested in any job, work, or contract, let or to be let on said canal, or being in any wise connected therewith during the time of his or their continuance in office: *And provided further,* That said trustees, and each and every of them, or any other person or persons, by or on behalf of the subscribers to, or holders of any stock set over on said canal, shall be, and they are hereby expressly prohibited from buying or selling any canal land scrip, or from receiving the same in

Proviso.

Trustees prohibited interest in work, or contracts on canal, &c.

Trustees not to buy, sell, or receive in payment, scrip, at less than its face.

payment for any land, or on any account, at any sum less than the face of such scrip and interest thereon: *And, provided further,* That no trustee named in this act, shall either directly or indirectly be engaged or interested in any transportation or boat company on said canal; and upon violating any of the above provisions, it shall work a forfeiture of his office, and render him forever incapable of holding the office of trustee.

Trustees not to be interested in transportation, &c.

SEC. 13. That in order to the greater security of the State and also of the subscribers, and with the view to induce greater confidence in the latter: *Be it enacted,* That all sums of money which shall be received by the trustees, or any of them, or which shall come to their hands or possession during the continuance, and in virtue of the said trust, shall (after retaining so much thereof only as shall be required for the payment of workmen and laborers and other current and necessary expenses of the said trust) be forthwith deposited by them in some safe bank or banks in the city of New York aforesaid, to be there placed to an account to be entitled "the account of the board of trustees of the Wabash and Erie canal," and all drafts and orders for the payment of any sum or sums of money to be drawn by the said trustees on the said bank or banks, shall be signed by a majority of the said trustees.

Surplus money to be placed in banks in N. Y. by trustees.

SEC. 14. AND WHEREAS, by the fourth section of the said recited act, it is enacted "that the stock created pursuant to the said act, is to be transferable only in the city of New York, in books to be provided for that purpose by the State," in the manner in the said fourth section more particularly mentioned; and by the fifth section of said act, it is enacted "that the interest on the stock thereby created shall be payable half yearly, at the city of New York" on the days and times therein mentioned: AND WHEREAS, it is ascertained that a very considerable portion of the bonds of the said State are held by foreigners, otherwise unconnected with the United States, domiciled in other countries and subject to other laws: AND WHEREAS, doubts have been suggested on the part of some such last mentioned persons in respect of the matters hereinafter mentioned or referred to, which doubts may operate prejudicially to the operations contemplated by the said recited act, and it is therefore expedient that the same be removed: Now, to demonstrate the good faith of the State of Indiana, and for the removal of all such doubts as aforesaid, and with the view to create general confidence in the arrangement made in the said recited act, by the

Preamble.

Profits of land, how to be applied. State, for the liquidation of its debt: *Be it enacted*, That the tolls, revenues, and profits of the said canal and its appurtenances, present and future, and the moneys to arise and be collected by and from the sales of the land and premises contiguous thereto, and in the said act more particularly mentioned and described, and the personal taxes to be levied towards the payment of the said debt, as in the said act also mentioned, and the receipt and application thereof for that purpose, as in the same act is also provided, shall remain and be inviolate and in full force, and the payment of the principal moneys and interest on the certificates and stock intended to be created pursuant to the said act, and this act, and all certificates and evidences of the title thereof respectively, shall be and continue effectual and inviolate by the means aforesaid, until the objects and purposes of the said act and this present act shall be fully accomplished.

The interest of foreign stock-holders to pass to his representative on his death. And for the reasons aforesaid: *Be it further enacted*, That if a foreigner be the holder of any such certificates or stock, or otherwise beneficially entitled thereto, the same shall pass to his representatives, on his decease, of whatever nation he may be, in the order of succession established by the laws of the country of which such foreigner was a subject at the time of his decease, and shall not be liable to the payment of any fees or charges on the part of any of the authorities of said State, by reason of such decease, or by reason of the transfer, descent, or distribution of any such stock or certificates, thereby occasioned,—and for the reasons and with the view to induce such confidence as aforesaid: *Be it further enacted*, That all stock to be created; and all certificates and other instruments of title to be issued in pursuance of the said act, and all principal moneys and interest thereby respectively secured, shall not be molested or impaired, arrested or attached by the State of Indiana.

Stock or money not to be interfered with by the State. Preamble. SEC. 15. AND WHEREAS, by the eighth section of the said act, it is declared that “if the State at any time thereafter becomes the holder of any of the said stock, she may at her election deem it to be extinguished, or she may regard it as still outstanding and be entitled to receive and draw upon it whatever of interest the tolls and revenues of said canal may pay upon it: AND, WHEREAS, any re-issue of such stock or of the certificates to be issued in pursuance of the said recited act or this act, will prejudicially affect the value of the residue thereof which shall be outstanding in the hands of the public, and also deter holders from becoming subscribers to the said intended advance on or before the

State shall not re-issue bonds, &c.

first day of May, 1847, as is provided in the second section of this act: *Be it enacted*, That whenever the State shall become the holder of any of the said bonds, certificates, or special stock, such bonds, certificates, or special stock shall not be re-issued on any account whatever, and the particulars in writing of all such last mentioned stock and the numbers, dates, and amounts of all such last mentioned bonds, certificates, or special stock, shall from time to time be rendered by some competent officer of the said State to the trustees, for the guidance and information of the latter: *Provided, nevertheless*, That in other respects the same shall stand upon the same footing as if held by individuals; and the said State shall be entitled to receive and draw upon such of the said bonds or certificates, or special stock, as shall be chargeable on the tolls and revenues of the said canal, whatever the tolls and revenues of the said canal may pay upon it or them from time to time, by way of interest or otherwise, as in the said eighth section of the said act is mentioned.

Am'ts of bonds, &c. shall be rendered to trustees, &c. Proviso. SEC. 16. AND WHEREAS, by the ninth section of said act, it is (amongst other things) enacted, “that before the deed of trust therein provided to be given shall be delivered to the said trustees, the said subscribers to the said advance shall pay over to the said trustees a certain per centage on the amount of their said subscriptions, and thereafter from time to time as further sums shall be needed for the prosecution of the said canal, they shall, on the requisition of the said trustees, pay over to them such sum or sums as they may call for, not exceeding, however, at any one time, five per centum on the entire subscription; and if the said subscribers for the space of ninety days after any such call by said trustees, shall fail to pay the sum or sums so required, they shall forfeit all the sums previously advanced, and also all the priority and preference which by said act is given them:” AND WHEREAS, justice requires that all subscribers to said advance shall have reasonable notice of such calls in the said act mentioned, especially those who are not residents within the United States, previously to incurring the forfeitures in the said act also mentioned: AND WHEREAS, doubts may arise as to the legal effects of such forfeitures, and it is expedient to remove the same: *Now therefore be it enacted*, That whenever any call or calls shall be made by the said trustees in pursuance of the said act, the said trustees shall cause notice thereof to be thrice inserted in the London Gazette and “Times” newspapers, and in two of the principal

Notice of call to be given, and where.

New York daily journals, stating the amounts of such call and the time and place to be appointed for payment thereof, and it is hereby declared that the said ninety days at the expiration of which such forfeiture is to be incurred, in default of payment as in the said act mentioned, shall commence and be computed from the date of the London Gazette in which the third of such advertisements shall be inserted, and not before, any thing in the said act to the contrary notwithstanding. And in order to remove the doubts hereinbefore mentioned as to the effect of such calls, and any forfeiture to accrue in respect thereof as aforesaid. *Be it enacted*, That in case of each such call so to be made and advertised as aforesaid, time shall be deemed to be of the essence of the contract, and the defaulting party shall forfeit all sums previously advanced by him as in the said act mentioned, and also all the priority and preference therein also mentioned, and all contract, claim, right or demand, (if any) in respect of the subscription in the said ninth section of the said act mentioned, shall as between the said State of Indiana and such defaulting party, and as between the said trustees for the time being, and the said party, thereupon cease, be at an end, and absolutely determined.

Time of the essence of contract.

Defaulters forfeit all sums advanced.

Preamble.

SEC. 17. AND WHEREAS, by the sixth section of the said recited act, it is (amongst other things) required, that such sums of money shall be subscribed as shall "insure the completion of the said canal to Evansville, and all necessary side-cuts, feeders, feeder-dams, reservoirs and all side-cuts which may be hereafter particularly mentioned, within four years from the taking effect of this act: AND WHEREAS, by the said ninth section of the said recited act, it is (amongst other things) enacted, that if by reason of the failure of the said subscribers to make said advances thereinbefore mentioned, the said trustees shall not be able to effect the completion of the said canal within the period thereinbefore mentioned, then, and in that case, the lands and property thereby granted to the said trustees, shall revert back to, and become again the property of the State." AND WHEREAS, it may happen that the said trustees may not be able to effect the completion of the said canal within the period so limited as aforesaid, without any default of the said subscribers, but by reason of natural or local causes or calamities, beyond the control of the said trustees, or the misfeasance, absence, or incapacity of any officer to be appointed by the State, it is expedient that just and reasonable allowance should be made for the same as hereinafter

next mentioned: *Now therefore be it enacted*, That in case the completion of the said canal, or any of the works belonging thereto, or connected therewith, shall at any time be obstructed, retarded, injured, damaged, or destroyed, by storm, tempest, hurricane, inundation, fire, civil or military commotion, foreign invasion, or other unavoidable accident, or by the misfeasance, illness, incapacity, absence, voluntary or involuntary negligence, or other acts of omission or commission, on the part of any officer to be named and appointed by the State in pursuance of the said act; then, and in every such case, all just and due allowances shall be made for the same, and the time during which such works shall be suspended, or which shall be necessarily occupied in the restoration or repair thereof from the causes aforesaid, or any of them, shall be omitted out of the computation of the said period of four years limited by the said act for the completion of the said canal; anything in the said act to the contrary notwithstanding: AND WHEREAS, by the act of Congress of the third of March, 1845, donating to the State the lands in the Vincennes land office district, in the said original act mentioned, it is provided that, unless said canal shall be completed to the Ohio river within fifteen years from the passage of said act, said State should become liable to the United States for the amount for which the same may have been sold: AND WHEREAS, it is desirable that said canal should be completed to Evansville aforesaid, at an early day, thereby adding largely to the revenues thereof, increasing the value of the taxable property of the State, and affording increased facilities for trade and commerce therein: Therefore, *Be it further enacted*, That if said trustees shall, from any cause whatever, except as herein provided, fail to complete said canal in the manner and within the time herein specified, that then and in that case, the said subscribers shall not any longer be entitled to receive any priority or preference, which by the said original or this supplemental act is given or intended to be given to them, but from thenceforth the tolls and revenues of said canal shall be divided pro rata among all owners or legal holders of certificates issued by virtue of this act, as though no priority or preference had ever been given: *And be it further enacted*, That in case the said trustees shall not have fully completed the said canal to Evansville within the period of ten years from the passage of this act, with the exceptions as to casualties, &c., mentioned in this section, then and in that case, the lands and property hereby,

What time to be omitted in the computation of the four years.

Additional preamble.

Subscribers forfeit their priority by failure to complete canal.

Lands and property to revert on failure to complete canal.

Proviso.

and in the said recited act provided to be granted, shall revert back to and become the proerty of the State free from all liens from any such certificates: *Provided*, That all deeds of conveyance and contracts for the sale of any of said lands, made in good faith, prior to such reversion, shall be valid and effectual as though no such reversion had occurred.

Preamble.

SEC. 18. AND WHEREAS, by the tenth section of the said recited act, it is (among other things) enacted, that the said trustees "shall keep a record of all their doings and proceedings, which shall at all times be open to the inspection of the public authorities of the said State:"

AND WHEREAS, it is enacted by the same section, "that the said trustees shall keep a full, just, and true account of all moneys by them received for, or by reason of, their said trust, and of their disbursements of the same, and shall annually report to the legislature the general condition of the said canal and canal lands, and exhibit a full account of their receipts and disbursements," as in the said recited act is more particularly mentioned: AND WHEREAS, it is desirable that a more particular supervision should be kept by the State over the receipts and disbursements of the said trustees, especially on account of tolls and payments of principal or interest on canal lands, than is contemplated in the said tenth section of said recited act, by a general statement annually

Toll collectors to report to auditor of State, &c.

to the legislature: Therefore, *Be it enacted*, First, that each toll collector, in addition to any reports he may make to the trustees, shall report to the auditor of State an abstract of his books, once in three months, or oftener if said auditor may require, as is provided in section three hundred and two, chapter thirteen, of Revised Code of 1843: Second, That said trustees shall report to said auditor semi-annually, namely, up to the first days of April and October, annually, a minute and detailed statement of their receipts and expenditures, arranged under appropriate heads, accompanied in all cases, when practicable, by the proper vouchers; and said auditor shall carefully examine said accounts and make settlement thereof, and enter the same in the proper books of his office, as is provided in section twenty-four, chapter thirteen, of Revised Code of 1843: Third, Said trustees shall accompany said reports with an abstract of all sales of canal lands; also, an abstract of all payments of interest and penalties; also, an abstract of partial payments of principal on lands previously sold; also, and abstract of all final payments on canal lands; noting the names of the several assignees, (if any); the

Trustees to report to auditor semi-annually, &c.

Report to be accompanied by abstracts, &c.

date of such final payment, and date of patent issued thereon, and to whom patented; all of which, if found correct, the auditor shall record in the proper books of his office, in the same manner that sales and payments for canal lands have heretofore been kept in his office, and for the additional clerk hire hereby rendered necessary, the trustees shall cause to be paid on the proper voucher of the clerk performing the labor, an amount not exceeding five hundred dollars per annum, payable as similar services are paid when rendered for said trustees; and the auditor of State shall annually report the condition of said canal fund and canal land to the legislature; and it shall be the duty of the committee of ways and means to examine and report specially in relation to said fund: AND WHEREAS, it is just and right that the said subscribers should also be kept advised of the doings and proceedings of the said trustees, and of the general condition of the said canal and canal lands, and of the sales of such lands, and the general receipts and disbursements of the said trustees: *Be it enacted*, That the record so to be kept by them, the said trustees, as in the said tenth section of the said act mentioned, shall be open to the inspection also, at all convenient times, of the subscribers and bondholders, and their agents duly authorized, and that, in addition to the annual report by the said tenth section of the said act directed to be made by the said trustees to the legislature, the said trustees shall at the end of each and every half year during the continuance of the said trust, prepare and transmit to the subscribers for the time being, by circular letter, or otherwise, (so far as their respective names and places of abode can be ascertained from the transfer books to be provided by the State and kept in the city of New York, as aforesaid,) a full, just, and true account of all moneys received by them, for, or by reason of their said trust, and of their disbursements of the same moneys, together with the balances on hand and places where deposited, and of all sales of canal lands, and tolls and revenues received, and of all other their receipts and disbursements during the half year then last past, with all such further and other particulars relative to the said trust and the operations thereof, and to the said canal and canal lands, as shall enable the subscribers and bondholders for the time being, to understand the state and prospects of the said undertaking.

Additional preamble.

Records to be open to inspection, &c.

Trustees to transmit to subscribers, accounts of moneys received, &c.

SEC. 19. AND WHEREAS, in further pursuance of the power reserved by the said twentieth section of the said

Preamble.

Amendments to
former act, from
A to K, inclusive.

recited act, and in order to enable the said trustees to carry into more full effect the fair and obvious meaning of the said act, and the additions and modifications thereto introduced by this present act: *Be it enacted*, That the several additional amendments, contained in this act, and hereinafter next mentioned, shall be accepted and adopted as part of the said recited act, and shall have the like full force and effect in all respects as if the same had been originally enacted by the said recited act, and had formed part thereof, that is to say:

AMENDMENT A. That in the ninth section of the said recited act, between the word "*execution*," and the words "*of the deed*," there be introduced the words "*and delivery*," so that the said section as amended, shall stand "*execution and delivery*." And that the penalty required in the bond of the trustees, by the tenth section of the act to which this is supplementary, be and the same is hereby increased to the sum of one hundred thousand dollars.

AMENDMENT B. That in the twelfth section of the said recited act, after the words "*and shall assume the payment of*," and before the word "*interest*," there shall be introduced the words "*principal and*," so that the said section as amended may stand thus, "*and shall assume the payment of principal and interest*."

AMENDMENT C. That at the end of the fifteenth section of the said recited act, and after the words "*altered or amended by the said board*," there be introduced the words, "*provided that such rules or regulations, or any of them, be not at variance with, or repugnant to the manner and form of election*, reserved to subscribers by the eleventh section of an act, entitled 'an act supplementary to an act to provide for the funded debt of Indiana, and for the completion of the Wabash and Erie canal to Evansville,' meaning, and thereby intending, this present act."

AMENDMENT D. That at the end of the eighteenth section of the said act, and after the words "*tariff of tolls on similar works*," there be introduced the words "*provided that no such tolls be at any time reduced in amount by the State, below the average tolls from time to time paid or payable by the public on any other similar works in the States of Ohio, Illinois, and Pennsylvania*."

AMENDMENT E. That in the twenty-second section of the said recited act, after the words "*and shall be subject to be removed by the governor during the vacation of the legislature, or by the general assembly when in ses-*

sion," and before the words, "*the said engineer before entering on his duties*," there be introduced the words "*or in case of the absence of the governor, or in case of urgent necessity, and to prevent immediate damage to the said canal or works, then by the trustees for the time being, or a majority of them*."

AMENDMENT F. That at the end of the twenty-fourth section of the said recited act, and after the words "*and applied accordingly*," there be introduced the words, "*and the trustees for the time being may prosecute and sue accordingly; and no plea or other technical objection, in bar or abatement, shall be taken or judicially allowed, so as to defeat such prosecution or action, or other proceeding, on the ground of any misnomer, misdescription of the premises or parties, or want of interest in the prosecutor or plaintiff, as the case may be*."

AMENDMENT G. That at the end of the twenty-seventh section of the said recited act, and after the words "*of the Revised Statutes of 1843*," there shall be introduced the following words: "*and such offender shall immediately, on reasonable evidence taken on oath, of such offence having been committed, and after due notice of the time and place of taking such proof and a fair opportunity to rebut the same, and a judgment of guilty by the officer or court before whom such examination shall be had; and without waiting for any other legal or more formal conviction, be, and be deemed and taken to be, absolutely dismissed and displaced from whatever situation he may then hold, and his situation declared vacant, without any particular form or ceremony whatever, and another and competent person shall be elected in his place and stead, in the same manner in which such offender was originally elected, or as near thereto as circumstances will permit, and by the party or parties by whom he was so originally elected, whether by the governor, the general assembly, the trustees, or the subscribers*."

AMENDMENT H. That in the thirty-second section of the said act, after the words "*in the same manner as if this section were not adopted*," and before the words "*and provided further*," there be introduced the words "*notifying in writing to the trustees for the subscribers for their guidance and information, the numbers, dates, and amounts of the certificates so redeemed, in the same manner as in the fifteenth section of the said amended act (meaning this present act) is provided*."

AMENDMENT J. That the thirty-fifth section of the said act be and is hereby amended, in so far that the

State shall fix the salary of the trustee to be named by the State, and the *subscribers*, or the majority in number and value, (whose consent shall be ascertained in the manner mentioned in the eleventh section of this act,) shall fix the salaries of the two trustees representing the subscribers, subject to the approval of the legislature of this State: *Provided however*, The said legislature shall never reduce such salary for the resident trustee on the part of the subscribers, below twelve hundred dollars, or of the non-resident trustees, below fifteen hundred dollars.

Proviso.

Amendments to former act from K to P inclusive.
Stock to be transferable only in the city of N. Y. on surrender of outstanding certificates, &c.

AMENDMENT K. That instead of section four in the said act, the following section be adopted in lieu thereof: Sec. 4. The stock created pursuant to this act shall be transferable only in the city of New York, in books to be provided for that purpose by the State, by the holder or holders thereof, or his, her or their assignees or duly constituted attorney, in pursuance of such rules as may be adopted by the agent of State, or may be prescribed by law; but no transfer shall at any time be permitted, except on the surrender and cancelment of the outstanding certificates: *Provided however*, That possession of a certificate of stock, with an endorsement thereof on the back, to the possessor, purporting to be by the holder under his hand, attested by two witnesses, shall be deemed a sufficient power of attorney in all cases to authorize and warrant the agent of State to transfer on the books, in the name of such holder, such stock to such possessor; and the agent of State shall at all times be deemed the agent of the parties for making the transfers, under such circumstances, and no rule of transfer shall be adopted by the agent of State, or prescribed by law, incompatible herewith. *Provided further, however*, That the State shall in no case be held responsible for the genuineness of such endorsement or attestation; but the fact that an endorsement is made on such certificate, attested as aforesaid, accompanied with actual possession of such certificate, shall be sufficient evidence of right, and shall be a sufficient warrant to said agent of State for and in the name of the holder of such stock, to transfer the same to the possessor of such certificate, on the surrender and cancelation of the same.

Proviso.

Proviso.

AMENDMENT L. That the twenty-fifth section of the said act be amended by adding after the words "*final payment*," the words "of any instalment of purchase money," so as to extend the time of payment of such instalment for the term of five years.

AMENDMENT M. That in the thirtieth section of the

said act, after the word "*State*," and before the words "for the transaction," there shall be introduced the words "and also an office;" and said thirtieth section is hereby further amended, so that said trustees shall establish two or more land offices at convenient points in this State.

AMENDMENT N. At the end of the thirty-fourth section of the said act, add the following: "and the said trustees shall further be required to construct and keep in repair such lock or locks at the dam erected across the west fork of White river, as may be necessary to the unobstructed and safe navigation of said river," and keep in like good repair, the steam boat lock, at feeder dam number four, on the Wabash river; and should the trustees of said canal require an increased supply of water, said trustees, should they deem it necessary, may construct a navigable feeder from St. Mary's river: *Provided*, They first pay all damages accruing from the construction of said feeder.

AMENDMENT O. In the eighth section of the original act after the word "extensions" and before the word "finished," add the words "by whatever other name the same may be now designated."

AMENDMENT P. Any actual settler and occupant of any of the lands hereby or by the said original act authorized to be conveyed, shall have the right and privilege, by paying for the same in hand, to purchase such tract of land at one dollar and twenty-five cents per acre.

SEC. 20. That in order to facilitate the surrender and exchange of bonds for certificates, as regards bondholders resident in Great Britain or on the continent of Europe, and to avoid the risk of transmission across the ocean, it is hereby enacted that the agent of State shall have power and he is hereby authorized to appoint some suitable person or persons in London to receive from subscribers and other bondholders such bonds as they may respectively desire to exchange for certificates under the provisions of the said recited act and of this act, and such person or persons when so appointed, shall be authorized to receive all such bonds as may be tendered to him or them in London, for surrender or exchange as aforesaid, and shall forthwith deposit the same in the Bank of England for interim custody, and shall thereupon transmit for account of the holders of the said bonds, on such deposit being made as aforesaid, a certificate in writing to that effect to the agent of State aforesaid, who shall immediately on the receipt thereof,

State agent to appoint agent in London, to receive bonds, &c.

transmit to such person or persons, so by him appointed as aforesaid in London, for the use of such party or parties by whom such bonds shall have been deposited, certificates, according to the form and effect prescribed by the said act and this act, in exchange for such bonds so surrendered and deposited as aforesaid, and such last mentioned bonds shall thereupon be cancelled in the presence of a notary public, and shall be forwarded, when so cancelled, to the agent of State; and such bonds shall thereupon be utterly void and of

Five per cent. to be paid by certain persons, and by whom, &c.

no effect: *Provided, nevertheless,* That all parties availing themselves of the privilege of making such deposit in London as hereinbefore mentioned, and who shall desire to become subscribers on the terms herein mentioned, shall, at the time of making such deposit aforesaid, pay into the hands of such person or persons so appointed by the said agent of State as aforesaid, in London, five per centum on the amount of such bonds so by them surrendered respectively, in part of their subscriptions towards the completion of the said canal; which moneys, when so paid, shall be forthwith remitted, at the expense and risk of such subscriber, by said person or persons in London, to the said trustees in New York, or their bankers, and be there placed to the credit of the said trust account: *And provided, further,* That the expense of such agency shall not exceed the sum of five hundred dollars, to be paid by the said trustees out of the canal fund.

Proviso.

Preamble.

SEC. 21. AND WHEREAS, by the sixth and ninth sections of the said recited act it is enacted that if by reason of the failure of the said subscribers to make the advances therein mentioned, the said trustees shall not be able to effect the completion of the said canal within the period thereinbefore mentioned, namely, the period of four years from the taking effect of the said act, and doubts may arise as to the construction of the said sixth and ninth sections of the said act by reason of the modifications and alterations as to the said intended advances, contained in this act: AND WHEREAS, it may happen from unforeseen events that, notwithstanding the bona fide payment and expenditure of the said sum of eight hundred thousand dollars, according to the provisions of this present act, the said canal and its works and extensions may not be completed within the said term of four years, and justice requires that the said subscribers shall have reasonable opportunity to complete the same: *Be it enacted,* That if at the expiration of four years, to be computed from the date at which

Subscribers may raise an additional sum not ex-

the said deed of trust shall be executed and delivered by the said governor to the said trustees as in this act mentioned, the said sum of eight hundred thousand dollars so to be subscribed as herein mentioned, shall have been expended by the said trustees in and towards the completion of the said canal and its works and extensions, but the said canal shall not, from any cause whatever, have been completed, then and in such case it shall be lawful for a majority of the subscribers for the time being in number and value personally present, or by agent duly authorized by proxy at any meeting to be convened and holden in New York for that purpose within the last three months of the last year of the said term of four years, to be computed as aforesaid, by and on the part of such subscribers, of which one month's previous notice shall have been given by or on the part of the said subscribers in manner in the eleventh section of this act provided, or as near thereto as circumstances will permit, and full power and authority is hereby given to the said subscribers for that purpose, to raise and levy a further sum not exceeding five hundred thousand dollars (over and above the said sum of eight hundred thousand dollars to be originally subscribed as herein mentioned,) to be payable at such times and by such instalments as shall be agreed on at such last mentioned meeting; and the resolutions to be signed by the chairman presiding at such meeting of subscribers, shall be binding and conclusive on all the subscribers for the time being, whether present or not. *And it is hereby further enacted,* That on a copy of such resolutions signed by the said chairman being transmitted to the said governor of Indiana, for the time being, and on a subscription to the amount of five per centum on the said sum of five hundred thousand dollars or so much as shall be agreed on at such meeting to be subscribed as aforesaid, being paid to the said trustees, the said term of four years in the said recited act mentioned for the completion of the said canal, shall be, and the same is hereby declared to be, extended to and for the further period of two years, to be computed from the expiration of the said term of four years hereinbefore mentioned, making in all the term of six full years from the taking effect of the said act. And the trustees for the time being, acting in the execution of the said trust, are required, and it is hereby made imperative on them to issue such and so many new certificates or debentures as shall cover the said sum of five hundred thousand dollars, or so much thereof as it shall be agreed at said meeting to be held

ceeding \$500,000 over the \$800,000 thousand, &c.

On what terms the four years to complete canal may be extended 2 years longer, &c.

Trustees to issue new certificates, &c.

as aforesaid to raise, for the purpose of completing the said canal and its works and extensions, such new certificates or debentures to be made payable to bearer, and to be signed and verified by the agent of the State of Indiana, in the manner mentioned in the second section of the said recited act, or as near thereto as circumstances will permit, and at any rate of interest not exceeding six per centum per annum on the principal sums so to be raised as aforesaid; and it is hereby declared that such last mentioned sums, and the certificates or debentures representing the same, shall be chargeable only on such of the canal lands as are included in the grant made by the general government, by the act entitled "an act to grant certain lands to the State of Indiana, the better to enable the said State to extend and complete the Wabash and Erie canal from Terre Haute to the Ohio river," approved March, 1845, and in the said recited act more particularly mentioned, or on such parts of the said lands as shall then be unsold and undisposed of, and on the proceeds thereof, when sold, from time to time respectively. And the trustees are hereby expressly authorized and required to pay to the holders or proprietors of such new certificates or debentures such amount of *interest* thereon, at such rates (not exceeding the rates aforesaid,) and at such times as the same shall purport to bear and be payable, and also the principal moneys secured thereby at such time or times as the same shall by the said new certificates be made payable, but not by way of priority or precedence over the payment of any interest or principal moneys, with the payment of which the said lands or any of them or the proceeds thereof, when sold, shall have been respectively charged to or in favor of any other persons whomsoever, upon or in respect of any other certificates issued or to be issued or stock created or to be created by the said recited act and this act or either of them respectively.

Tolls, revenues,
&c. pledged for
redemption of
certificates, &c.

SEC. 22. The debt which it is the object of the trust created by the said recited act (as amended by this act) to liquidate as in the said act is mentioned, having been contracted under the authority of the State of Indiana and for the service of the people of that State, and it being desirable, as well for the credit of the State, as also in order to establish confidence in the public in general, and the subscribers in particular, to secure the utmost punctuality in the fulfilment of the objects of the said trust, it is hereby declared that the tolls and revenues of the said canal, present and future, and the lands

and lots so conveyed or intended to be conveyed as hereinbefore mentioned, and the proceeds thereof, when sold, shall be, and the same are hereby specially pledged to form a distinct and particular fund for the redemption of the stock and certificates, to be issued in pursuance of the said recited act and of this act, and the said State shall not direct or permit any appropriation to be made of such tolls and revenues, lands and proceeds, or any of them, for the general purposes of the State or otherwise howsoever, other than and except for the purposes of the said trust, as directed by the said act (as amended by this act) until the said stock and certificates and all interest thereon shall have been fully paid and satisfied, out of the tolls, and revenues of said canal, or the State shall have redeemed said stock and certificates, by the payment of the principal thereof; the right of doing which, after twenty years from the nineteenth day of January, 1846, is hereby reserved by the State, as provided in the act to which this is an amendment.

State's right to
redeem after 20
years.

SEC. 23. The lands selected for the completion of the Wabash and Erie canal west of Tippecanoe and also the lands selected for the completion of the canal east of Tippecanoe, which were classified before the same were offered for sale, shall be re-appraised in manner following: The trustees elected or appointed by this act shall select and appoint one discreet citizen of this State, and the governor shall also select and appoint one of like qualifications, and the two thus selected and appointed shall choose one other person of like qualifications, who shall constitute a board of appraisers, who, or a majority of whom, shall be authorized to re-appraise said lands, which appraisers shall be so selected or appointed on or before the first day of August next; and before such appraisers shall enter upon the discharge of their duties they shall each take and subscribe an oath or affirmation faithfully and impartially to discharge their duties as such appraisers; and it shall be the duty of the auditor of public accounts to make out and have ready for delivery to said appraisers a list of said lands by the said first day of August.

Lands to be re-
appraised, when,
how, by whom.

SEC. 24. It shall be the duty of said appraisers to examine all of the said lands which shall be unsold as well as the said lands which have been sold and which may remain unpaid for, and appraise the same at their true cash value, without regard to any improvements, and make report thereof in writing to the auditor of public accounts, and also to the said trustees on or be-

Duties of apprai-
sers, how, and
when to be per-
formed.

fore the first day of December next. Said unsold lands shall be subject to entry and sale at a price not exceeding such re-appraised value in the same manner and subject to the same conditions as now provided by law, as modified by this act and the act to which this is supplemental, and it shall be lawful for the legal holders of any certificate or certificates for any of said lands which may have been sold at the time of such re-appraisalment and not wholly paid for, to pay to the proper officer or officers by instalments as now required by law the difference between what has been paid therefor and such re-appraised value; and upon the payment thereof such holder shall be entitled to demand and receive a deed as though the full amount specified in said certificate had been fully paid.

Vacancies in board of appraisers, how and by whom filled.

SEC. 25. Should any vacancy occur in said board of appraisers by reason of death, resignation, or otherwise, it shall be the duty of the person or persons in whom is vested by said section twenty-three the appointment of the said appraisers, immediately upon notice thereof to fill the same and in the same manner as is in this act provided for the appointment of the original board, and said appraisers so appointed shall qualify and act in like manner with, and possess the same powers with the original appraisers.

Compensation of appraisers.

SEC. 26. Such appraisers shall be entitled to receive as a compensation for their services the sum of three dollars per day for each and every day they may be employed as such, to be paid by such trustees out of the proceeds of said canal, its lands or revenues.

How land may be divided and conveyed.

SEC. 27. It shall be lawful for said trustees to permit the legal holder or owner of any certificate or certificates of or contracts for the sale of any of said lands, heretofore issued to surrender the same, and divide the tract or tracts of land specified in such certificate, and receive a deed for such part thereof as may be agreed upon between the said trustees and such holder or owner of such certificate: *Provided*, That such holder or owner shall first prove by the oath or affirmation of two reputable citizens of his neighborhood, that he is unable to pay the amount unpaid for such tract or tracts, and that the interest of said trustees and State of Indiana will not be prejudiced by such surrender and division.

Proviso.

This act a public one, to be liberally construed.

State to supply defects by legislation.

SEC. 28. This act shall be a public act, and shall be liberally construed in all courts of justice, and the State shall and will supply, by future legislation, all such defects (if any) found to exist as shall enable the trustees aforesaid to carry into full effect the fair and obvious

intent of this act, and the governor is hereby required to give all necessary information to the parties interested, and do any act or thing which may be necessary to carry this act into effect, or to facilitate any proceedings contemplated by this act. Governor to give information, &c.

SEC. 29. *And be it further enacted*, That the said trustees shall, and it is hereby made their duty, to construct and complete all the feeders, feeder-dams, side-cuts, and reservoirs contemplated in this act and the act to which this is a supplement, contemporaneously with the construction and completion of the main canal: *Provided however*, That where said canal has already been so constructed beyond any point where such feeders or side-cuts are located and intended to be constructed, as specified in the act to which this is a supplement, it shall be the duty of said trustees, to construct and complete all such feeders and side-cuts within eighteen months from and after the acceptance of this act by our bondholders: *And be it further provided*, That said side-cuts shall be constructed of the same capacity with the main canal. Duties of trustees, how, and when to be performed.

SEC. 30. *And be it further enacted*, That the said trustees shall erect, construct, and keep in good repair, suitable bridges over all State and county roads crossing, or that may hereafter cross said Wabash and Erie canal. Further duty of trustees.

Form of Certificate of principal moneys chargeable on the revenues of the State.

\$1,000.

No.

UNITED STATES OF AMERICA.

STATE OF INDIANA.

Five per centum State stock.

Under two acts of the general assembly of the State of Indiana, entitled "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville," passed nineteenth January, 1846, and "an act supplementary to the said act," passed —, 1847.

Principal chargeable on the revenues of the State, pursuant to acts of the legislature of Indiana, passed the nineteenth January, 1846, and on —, 1847.

Be it known, that the State of Indiana owes to A. B. or his assigns, the sum of one thousand dollars, being

part of the principal of the bonds of the State, declared to have been surrendered to the State *by act of surrender, of this date*, and which amount of one thousand dollars bears interest at the rate of five per centum per annum, from the first January, 1847, payable half-yearly in the city of New York, at the times and in the manner declared by the acts of the legislature above mentioned.

This stock is redeemable at any time after twenty years from nineteenth January, 1846, at the pleasure of the State, in the city of New York, and until redeemed, is transferable, upon surrender in the city of New York, in books provided for that purpose by the agent of the State, there resident, by indorsement hereon and according to such other rules and forms as are or may be prescribed for that purpose; and for the payment of the interest and the redemption of the principal aforesaid, the faith of the State of Indiana is irrevocably pledged.

This debt is duly recorded, &c.

Witness our hands at Indianapolis, the — day of —, 1847.

Countersigned,

Treasurer.

Auditor.

N. B.—The State reserves the right, (according to the terms and conditions of the said acts,) to postpone payment of a portion of the interest due upon this certificate until first January, 1853, paying interest on the same at the rate of six per centum per annum, and to fund one per centum of the same without interest after that period at the rate of two and one-half per centum.

Form of Certificate for arrears of interest chargeable on the revenues of the State.

\$300.

No.

UNITED STATES OF AMERICA.

STATE OF INDIANA.

Two and a half per centum State deferred stock.

Under two acts of the general assembly of the State of Indiana, entitled "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville," passed nineteenth January, 1846, and "an act supplementary to" the said act passed —, 1847.

ARREARS of *Interest* chargeable upon the revenues of

the State pursuant to acts of the legislature of Indiana, passed nineteenth January, 1846, and —, 1847.

Be it known, that the State of Indiana owes to A. B., or his assigns, the sum of three hundred dollars, being part of the "arrears of interest" from the first January, 1841, to the first January, 1847, upon the amount of bonds for two thousand dollars, surrendered to the State by an *act of surrender of this date*.

This stock to bear interest at the rate of — per centum per annum from the first day of January, 1853, and which will be payable in the city of New York half yearly *by equal payments*, on the first day of July and the first day of January of each year, and is redeemable in the city of New York at any time after twenty years from the nineteenth January, 1846, at the pleasure of the State, and, until redeemed, is transferable, upon surrender in the city of New York, in the books provided for that purpose by the agent of the State there resident, by indorsement hereon and according to such other rules and forms as are or may be prescribed for that purpose, and for the payment of the interest and the redemption of the principal aforesaid, the faith of the State of Indiana is irrevocably pledged.

This debt is duly recorded, &c.

Witness our hands at Indianapolis the — day of —, 1847.

Countersigned,

Agent of State.

Treasurer.

Auditor.

N. B.—Certificates, in moieties, to be issued to the holders of coupons for arrears of interest cut off and separately held by persons presenting and surrendering the same.

Form of Certificate for principal moneys chargeable on the canal, lands, tolls, &c.

\$1,000.

No.

UNITED STATES OF AMERICA.

STATE OF INDIANA.

Five per centum canal stock.

Under two acts of the general assembly of the State of Indiana, entitled "an act to provide for the funded debt of the State of Indiana and for the completion of the Wabash and Erie canal to Evansville," passed nine-

teenth January, 1846, and "an act supplementary to" said act, passed ———, 1847.

Principal chargeable on the Wabash and Erie canal, tolls, lands, &c., pursuant to acts of the legislature of Indiana, passed the nineteenth of January, 1846, and on ———, 1847.

Omit this if not
issued to a sub-
scriber.

This Certificate is issued to a subscriber for the advances to be made to trustees for completing the canal to Evansville on the Ohio river.

Be it known, that the Wabash and Erie canal and all tolls, lands, and effects appertaining thereto, from the State line to Evansville, on the Ohio river, as described in the above mentioned acts of the legislature, and all the property of the State of Indiana therein, are irrevocably pledged, in virtue of the said acts, to A. B., and his assigns, for the sum of one thousand dollars, represented by this certificate, (forming part of the bonds of the State declared to have been surrendered by an act of surrender of this date,) together with interest upon the same at the rate of five per centum per annum from the first of January, 1847, payable semi-annually, by *equal payments* at the times, and in form and manner prescribed in the acts of the legislature of the State of Indiana above mentioned.

Omit this when
not issued to a
subscriber.

And be it further known, that this certificate, and the interest to accrue thereon, are entitled to the priority of payment given by the above mentioned acts of the legislature, on the conditions therein respectively mentioned, to subscribers for the advances to trustees for completing the said canal to Evansville, on the Ohio river.

This stock is transferable upon surrender in the city of New York, in books to be kept by the trustees for the Wabash and Erie canal, there resident, by indorsement hereon and according to such other rules and forms as are or may be prescribed for that purpose.

N. B.—It is not expected that interest will be paid by the trustees on this certificate, until the canal be completed to Evansville. [Omit this when issued to subscribers who are to be paid interest at six per centum per annum on their advances out of the existing tolls.]

Above N. B. may be dispensed with by inserting here the words "Such payments of interest however to be contingent upon the funds realized from time to time from the canal applicable hereto, and the completion of the canal to Evansville."

Form of Certificate for arrears of interest chargeable on canal, lands, tolls, &c.

\$300.

No.

UNITED STATES OF AMERICA.

STATE OF INDIANA.

Five per centum canal deferred stock.

Under acts of the general assembly of the State of Indiana, entitled "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville," passed nineteenth January, 1846, and "an act supplementary to" the said act, passed ———, 1847.

Arrears of interest to the first of January, 1847, chargeable on the Wabash and Erie canal, tolls, lands, &c., pursuant to acts of the legislature of Indiana, passed January, 1846, and on ———, 1847.

Omit this when
not issued to a
subscriber.

This certificate is issued to a subscriber for the advances to be made to the trustees for completing the canal to Evansville, on the Ohio river.

Be it known, that the Wabash and Erie canal and all the tolls, lands, and effects appertaining thereto, from the State line to Evansville, on the Ohio river, as described in the above mentioned acts of the legislature, and all the property of the State of Indiana therein, are irrevocably pledged in virtue of the said acts to A. B. and his assigns, for the sum of three hundred dollars, being part of the arrearages of interest, from the first day of January, 1841, to the first day of January, 1847, on the amount of bonds surrendered to the State by *our act of surrender of this date*. This certificate to bear interest at the rate of five per centum per annum, from the first January, 1853, and which will be payable in the city of New York, half yearly, by equal payments, on the first July and first January of each year, pursuant to the acts of the legislature of Indiana above mentioned.

Omit this when
not issued to a
subscriber.

And be it further known, that this certificate, and the interest to accrue thereon, are entitled to the priority of payment given by the above mentioned acts of the legislature, on the conditions therein respectively mentioned, to subscribers for advances to trustees for completing the said canal to Evansville, on the Ohio river.

This stock is transferable upon surrender in the city of New York, in books to be kept by the trustees for the

Wabash and Erie canal, there resident, by indorsement hereon and according to such other rules and forms as are or may be prescribed for that purpose.

MEM.—The word “*stock*” should be used instead of “*certificate*,” in all these certificates.

CHAPTER II.

An Act fixing the time of holding the Marion Circuit Court, and the commencement of the Courts in Johnson, Hamilton, Hendricks, and Boone.

[APPROVED JANUARY 25, 1847.]

Number of terms
and when hold-
en.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter there shall be three terms of the circuit court in the county of Marion, in each year, to commence as follows, viz: on the third Monday in January, the second Monday in June, and third Monday in October.

Length of terms.

SEC. 2. That each term of said court shall sit three weeks, if the business thereof require it, and the said October term may continue in session as much longer as the business thereof shall require, and no longer.

Parties litigant to
take notice.

SEC. 3. All parties, witnesses, and other persons concerned shall take notice of this act and appear accordingly.

Repealing
clause.

SEC. 4. All acts and parts of acts coming within the purview of this act are hereby repealed.

When courts to
commence in,
&c.

SEC. 5. After the passage of this act the circuit courts in the counties of Johnson, Hamilton, Hendricks, and Boone shall commence as follows: In the county of Johnson on the Monday succeeding the courts in the county of Shelby; in the county of Hamilton on the Monday succeeding the courts in the county of Johnson; in the county of Hendricks on the Monday succeeding the courts in the county of Hamilton; in the county of Boone on the second Monday succeeding the commencement of the courts in the county of Hendricks.

Bartholomew at-
tached to third
circuit.

SEC. 6. The county of Bartholomew shall be attached to the third judicial circuit.

When Marion
circuit court to
commence.

SEC. 7. The next term of the Marion circuit court shall commence on the Monday succeeding the court in the county of Boone, as fixed by this act.

SEC. 8. All pleas, complaints, recognizances, writs, and process which have issued or may be issued from, or be returnable to said circuit courts, respectively, are hereby made returnable to said circuit courts at the time herein fixed for the holding of the next term of said courts.

SEC. 9. The first and second sections of this act to take effect and be in force from and after the first day of July next. The third, fourth, fifth, sixth, seventh, eighth, and ninth sections of this act to take effect and be in force from and after its passage, and shall be published in the Indiana State Journal and State Sentinel.

CHAPTER III.

An Act to regulate and change the time of holding Courts in the fourth Judicial Circuit, and authorizing special Chancery Courts to be held therein.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts, within and for the several counties composing the fourth judicial circuit of this State, shall hereafter be commenced and holden at the times following: In the county of Dubois on the third Mondays of February and August; in the county of Pike on the fourth Monday of February and August; in the county of Gibson on the first Mondays succeeding the times fixed for holding the courts in the county of Pike; in the county of Posey on the first Mondays succeeding the times fixed for holding the courts in the county of Gibson; in the county of Vanderburgh on the second Mondays succeeding the times fixed for holding the courts in the county of Posey; in the county of Warrick on the second Mondays succeeding the times fixed for holding the courts in the county of Vanderburgh; in the county of Spencer on the first Mondays succeeding the times fixed for holding the courts in the county of Warrick; in the county of Perry on the first Mondays succeeding the times fixed for holding the courts in the county of Spencer; in the county of Crawford on the Mondays next succeeding the times fixed for holding the courts in the county of Perry. Said courts shall sit in each of said counties of Dubois, Pike, Gibson,

Warrick, Spencer, Perry, and Crawford six days, if business should require it; and in each of the counties of Posey and Vanderburgh, twelve days, if business should require it.

Writs, &c. how to be acted on.

SEC. 2. All writs, process, and notices which may have been issued, or been served before the taking effect of this act, in relation to matters now pending, or to be pending, in any of said circuit courts, are hereby made returnable to the first day of the next term of said courts as fixed by this act; and all suits, recognizances, motions, rules, and other proceedings, which at the time of the taking effect of this act shall be pending in any of said courts, shall be acted upon therein, in the same manner as if this act had been in force at the time they were issued, commenced, taken, or instituted.

Special term in Vanderburgh to dispose of causes not disposed of at regular term, when, &c.

SEC. 3. That hereafter, when the Vanderburgh circuit court, at any regular term, shall fail to dispose of the business before it during the time allotted by law to such court, the judges thereof shall be authorized, to adjourn the sitting of said court, to some specified time in vacation after the courts in said circuit, at their regular terms, shall have been held and concluded; at which specified time said court, so adjourned, shall proceed to hear and determine the causes not disposed of at the regular term, and complete the unfinished business thereof, in the same manner that business is done at such regular term.

Jurors of regular term to attend adjourned term, &c.

SEC. 4. Such court, at any regular term, shall, if deemed necessary for the trial of causes left undisposed of at such term, direct that the jury attending such court, for the last week of such regular term, shall attend at the time to which said court may be adjourned, and serve until discharged by the court. And such adjourned court shall be attended by the same judges and officers as the regular term, and the same shall be deemed and taken as a part of the regular term of said court.

Compensation of officers at adjourned term.

SEC. 5. The associate judges, jurors, and other officers of said adjourned court, shall be entitled to the same compensation that they are entitled to receive for their services at the regular term of said court.

Witnesses to attend adjourned term without further process; recognizances extended to adjourned term, &c.

SEC. 6. Witnesses subpoenaed for the regular term, shall attend said adjourned term without further process therefor; and recognizances taken at the regular term for appearance from day to day, shall be extended to the appearance at the adjourned term, without taking further recognizances.

Grand jurors may be called, and persons in

SEC. 7. If, at the time any such adjourned court should be sitting, any person or persons should be con-

fining in the jail of the county of Vanderburgh for offences committed in said county, it shall be lawful for said court to re-assemble the grand jury of the regular term, which jury after having been sworn and charged, shall inquire only of the offences alleged against persons confined in said jail, and if indictments should be found against any such persons by said grand jury, the indictments thus found shall stand for trial the same as if the indictments had been found at the commencement of the term.

SEC. 8. The said court, when so met, shall have, all the powers incident to circuit courts, and issue all and every kind of process necessary to carry into effect the powers of said court.

SEC. 9. It shall be the duty of the clerk of said circuit court, to give ten days notice of the time of holding the said adjourned term, by publication in a public newspaper published in said county.

SEC. 10. This act shall take effect and be in force from and after the first day of February next; and it is hereby made the duty of the Secretary of State to forward certified copies hereof forthwith, to the clerks of the several circuit courts in said fourth circuit.

CHAPTER IV.

An Act to establish an Institute for the Education of the Blind of the State of Indiana.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be established at or near Indianapolis, an institute for instructing the blind, to be called the "Indiana Institute for the Education of the Blind."

SEC. 2. The charge and management of said institute shall be intrusted to a board of trustees, which shall, for its organization, consist of the following persons, to-wit: Calvin Fletcher, George W. Mears, and James M. Ray, who shall be classed as they are herein named, so that the term of service of one trustee shall expire on the first day of January in every alternate year after the board is organized; the first named trustee serving two years,

and so successively. The appointment of such place of one trustee being biennially filled by the governor, and all other vacancies in the board shall be filled by the trustees.

Trustees, &c., a body politic, by the title of "The Trustees of the Indiana Institute for the education of the Blind," their powers, &c.

SEC. 3. The said board of trustees, and their successors, shall be and they are hereby constituted a body politic and corporate, to be known by the title of "The Trustees of the Indiana Institute for the Education of the Blind," with power, under such title, to sue and be sued, plead and be impleaded, before any court in this State.

A majority a quorum to do business, what they may do, &c.

SEC. 4. A majority of said trustees shall constitute a quorum to do business; and they shall have power to select their own officers, pass all by-laws, and adopt such regulations as they may deem necessary for the proper management of the institute. They shall also appoint a principal and such subordinate officers as may be found necessary for the best prosecution of the objects of the institute, and fix their salaries and terms of service, with power of removal.

Institute to be governed by a principal. His duties.

SEC. 5. The immediate direction of said institute shall be under a competent principal, whose duty it shall be to superintend its several departments, and prescribe the several duties of the subordinate officers. He shall so direct the studies, occupations, and treatment of the scholars as will best insure their comfort and happiness, and promote their moral, intellectual, and physical improvement; and shall keep the trustees fully informed of the condition and wants of the institution, as well as the progress of the pupils.

Trustees to meet at the Institute, how often, when duly met, and when to report to the General Assembly.

SEC. 6. It shall be the duty of the trustees to meet at the institute at least once a month, to examine into its condition, provide for its wants, and transact such other business as may require their attention; they shall keep a record of their proceedings, and shall submit to the general assembly, during the first week of each session, a report upon the condition of the institution, setting forth a detailed statement of their expenditures and proceedings, with suggestions for carrying out, in the best manner, the benevolent designs of the legislature for the education of the blind.

Power of trustees—how regulated therein.

SEC. 7. The trustees shall have power to adopt such regulations for the admission and discharge of pupils as they may think proper: *Provided*, That no one shall be admitted who is from any cause incompetent to receive useful instruction: *Provided further*, That when more pupils are offered for the benefit of the institute than can be received at any one time, the said trustees shall so apportion their number among the several coun-

ties of this State; according to their representation, when application shall be made, that every county may equally receive the benefit of the same.

SEC. 8. That for the purpose of procuring furniture and apparatus of suitable description, for the various departments of instruction in the said institute, and for purchasing a suitable site for said institute, at or near Indianapolis, which the trustees are authorized to make on the most economical terms practicable, for the best accommodation of the institute, the sum of five thousand dollars be and the same is hereby appropriated, payable to the order of the trustees, on the warrant of the auditor, out of any moneys in the treasury not otherwise appropriated.

Furniture, apparatus, and a site to be purchased—\$5,000 appropriated for that purpose.

SEC. 9. That the funds raised by revenue in this State, or by private beneficence, for the education of the blind, shall be subject to the order of the said board of trustees, and payable on the warrant of the auditor, founded on such orders, attested by their secretary. The said trustees shall be and they are hereby authorized and empowered to receive by gifts, legacies, conveyances, or otherwise, lands, moneys, and other property, and the same to retain, use, and apply to the education of the blind within the State of Indiana, to any amount, the interest, profits, or proceeds of which shall not exceed the sum of twenty thousand dollars per annum.

Funds raised for Institute, how obtained and applied—interest and profits not to exceed \$20,000 per annum.

SEC. 10. That when the funds appropriated to the object will justify it, the trustees shall proceed to erect suitable buildings for the said institute, with all proper appurtenances; and in the mean time, shall commence said institute as soon in the year 1847 as shall be expedient, in premises to be rented for such purpose, on the best terms practicable.

Buildings to be erected, and when to be commenced.

SEC. 11. That in case of any blind persons received by the said trustees as a State pupil, the board doing county business in the county from which such pupil is received, shall be, and they are hereby authorized, if they deem it expedient, to defray the expense of clothing of such pupil on their going to and remaining at the institute, and their travelling expenses, payable out of any money in the county treasury, not otherwise appropriated.

County boards may defray travelling and clothing expenses of blind pupils.

SEC. 12. This act to take effect and be in force from and after its passage.

CHAPTER V.

An Act to create the thirteenth Judicial Circuit, and to change the time of holding Courts in the third Judicial Circuit.

[APPROVED JANUARY 15, 1847.]

Counties composing circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the counties of Franklin, Decatur, Ripley, and Dearborn shall form the thirteenth judicial circuit.

Courts when and how long to sit.

SEC. 2. The courts in said circuit shall be held as follows: In the county of Franklin on the first Mondays of February and the second Mondays of August, and may sit until the commencement of the courts in the county of Ripley; in the county of Ripley on the fourth Mondays of February, and first Mondays of September, and may sit until the commencement of the courts in the county of Decatur; in the county of Decatur on the second Mondays of March and third Mondays of September, and may sit until the commencement of the courts in the county of Dearborn; in the county of Dearborn on the first Mondays of April and second Mondays of October, and may sit as long as the business may require.

Courts in third circuit when and how long to sit.

SEC. 3. The courts in the third judicial circuit shall be held as follows, viz: In the county of Jefferson on the first Mondays of February and second Mondays of August, and may sit until the commencement of the courts in the county of Switzerland; in the county of Switzerland on the first Mondays of March and second Mondays of September, and may sit until the commencement of the courts in the county of Ohio; in the county of Ohio on the third Mondays in March and fourth Mondays in September, and may sit until the commencement of the courts in Jennings county; in the county of Jennings on the first Mondays of April and second Mondays of October, and may sit until the commencement of the courts in the county of Bartholomew; in the county of Bartholomew on the third Mondays of April and fourth Mondays of October, and may sit as long as the business may require.

Courts in Dearborn and Franklin may sit in vacation and do business.

SEC. 4. It shall and may be lawful for the courts in the counties of Dearborn and Franklin to adjourn at any regular term to meet in vacation and hold a court for the trial of chancery causes, making up of issues, and

the trial of such other causes as may be submitted to them for trial without the intervention of a jury. And in case of such adjournment, said court shall have power to direct the issue, service, and return of such writs and other process as may be necessary for the purposes aforesaid.

SEC. 5. All writs and other process made returnable to any of the circuit courts of the respective counties aforesaid to the term heretofore fixed for holding the sessions thereof, shall be and the same are hereby made returnable to the first days of the term of said courts as fixed by this act. Writs, &c., made returnable to 1st days of terms as by this act.

SEC. 6. All parties, persons, and officers are hereby required to take notice of the changes of the terms of the courts aforesaid as hereby established; and of the changes of the terms of the courts doing county business and probate courts which may be produced by this act, and the transaction of all business, and the discharge of all duties, official or personal, shall be postponed or accelerated to the time or times to which by this law the terms of said courts may be postponed or accelerated. All persons to take notice of the changes by this act.

SEC. 7. All laws and parts of laws coming within the purview of this act, shall be and the same are hereby repealed. Acts repealed.

SEC. 8. This act shall be in force from and after the passage thereof, and shall be published in the Indiana Journal and State Sentinel. When act to be in force.

CHAPTER VI.

An Act for the protection of the property of married women.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That no real estate whereof any married woman was or may be seized or otherwise entitled to at the time of her marriage, or which she has or may fairly acquire during her coverture, or any interest therein, shall be liable for the debts of her husband, but the same and all interest therein, and all rents and profits arising therefrom, shall be deemed and taken to Wife's real estate not liable for husband's debts.

be her separate property, free and clear from any and all claim or claims of the creditors or legal representatives of her husband as fully as if she had never been married: *Provided*, That this law shall not be so construed as to apply to debts contracted by such married woman before such marriage, but in all such cases her said property shall be first liable therefor.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER VII.

An Act to authorize the people of the several townships of the several counties to prohibit the retailing of spirituous liquors.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the qualified voters of the several townships of the several counties in this State, at their annual April elections, or spring township elections, to vote against the granting of license to retail spirituous liquors in the township where such voters reside.

SEC. 2. That for the purpose of carrying out the objects in the first section of this act specified, each and every voter of the April [or] spring township election, may indorse in writing in or upon his ticket, to be given at such election, the words "No License."

SEC. 3. If a majority of all the votes given at any such election, shall have been against license, it shall be the duty of the officers of such election, forthwith to certify that fact to the proper county auditor in writing, under their hands, whose duty it shall be to lay the same before the board doing county business at their next succeeding meeting.

SEC. 4. After the voters of any township shall have decided against the granting of license for the purpose, and as in this act specified, it shall not be lawful for any person, board doing county business, body corporate or politic, to grant a permit or license to retail spirituous liquors in such township for one year next succeeding such election, to any person or persons whomsoever.

SEC. 5. Should any officer of any such township election fail to report to the county auditor or person doing the business of county auditor, or should any county auditor or person doing the business of county auditor, fail to report to the board doing county business, or should any person or any board doing county business, body politic or corporate, now authorized or hereafter to be authorized to grant a permit or license to retail spirituous liquor, grant the same contrary to the true interest and meaning of this act, every officer of such election, every auditor or person doing the business of county auditor, or every member of the board doing county business, body politic or corporate, giving his assent to any license or permit, granted in violation of this act, shall be guilty of malfeasance in office, and on conviction by presentment or indictment in the circuit court, shall be fined in any sum not less than five nor more than fifty dollars.

SEC. 6. Should any person receive any permit or license to retail spirituous liquors in any township where the voters have decided against retailing as in this act provided, the same shall be held null and void; and the person or persons retailing under and by virtue thereof, shall be liable to indictment in the same way as if no such permit or license had ever been granted to him, her, or them, as the case may be: *Provided*, That the provisions of this act shall not extend to the counties of Harrison and Rush.

SEC. 7. All acts and parts of acts coming in purview of this act, be and the same are hereby repealed.

SEC. 8. This act to be in force from and after its passage and publication in the Indiana State Journal and Indiana State Sentinel.

CHAPTER VIII.

An Act to raise a revenue for State purposes for 1847.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a tax, for State purposes, of twenty-five cents on each one hundred dollars, of the value of all property entered for taxation in the general

Twenty-five cts. on \$100, and a poll tax of seventy-five cents to be levied for State purposes.

Wife's real estate first taken for her own debts.

When a vote may be given in the several townships against granting license to retail, &c.

On the ticket shall be indorsed the words "No License."

County auditor to lay written certificate before county board, and when.

If township decide against license, none shall be granted therein.

Penalty for neglect of duty by officers.

When permit or license void, and the person acting under, liable to indictment.

What counties exempt.

Acts repealed.

lists of taxables, and seventy-five cents on each poll, subject by law to taxation, shall be and is hereby authorized and directed to be levied for the current year, one thousand eight hundred and forty-seven, and which shall be assessed, levied, and collected according to law.

In addition to the above, on each \$100 worth of property, 1 cent for the insane, 1 cent five mills for the deaf, and one cent for the blind.

Treasurer's duty in relation thereto.

SEC. 2. That in addition to the above, there shall be assessed, levied, and collected on each one hundred dollars of the value of all property entered for taxation as aforesaid, the following sums, to-wit: One cent for the asylum for the insane, one cent and five mills for a deaf and dumb asylum, and one cent for the education of the blind. And it shall be the duty of the treasurer of State to set apart from the gross revenue, paid into his office for the year aforesaid, the amounts in this section contemplated for the purposes above specified.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER IX.

An Act relative to loaning school funds.

[APPROVED JANUARY 26, 1847.]

Loans for 5 years from date, and those heretofore for 5 years from 1st January, 1847, on additional security given.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all loans of the school funds of this State, hereafter made on mortgage of real property, shall be for the term of five years from and after the date of such loans, and that all loans heretofore made, shall extend for the period of five years from and after the first day of January, 1847: *Provided,* That in all cases it shall be the duty of the mortgagor to give such additional security as the officer having charge of said fund may deem necessary; *And, provided further,* That no mortgage shall be renewed until the mortgagor shall have paid all interest due on the loan for which such mortgage was given.

Not to be renewed until interest paid.

Loaners to give additional security if deemed necessary.

SEC. 2. That all persons having loans of the school and surplus revenue funds, upon personal security, shall be entitled to hold the same for the term of five years, from and after the first day of January, 1847, by renewing their notes, with two or more good and sufficient securities, if thought necessary by the county auditor or

the county commissioners, to the acceptance of the auditor or other person having charge of said funds, or by giving mortgage security at their option.

SEC. 3. In all cases of loans of personal security, if the auditor or other person having charge of said funds, shall become dissatisfied with the securities to any note on account of their insufficiency, or have reason to believe that said fund is in danger of being lost, by reason of insufficient security, and before said note becomes due, he shall give the borrower of said money notice of that fact, and require him to give further and additional security, to the acceptance of the said auditor; and if the borrower shall fail or refuse to give said further security, within ten days from the time of said notice, said note may be considered as due by the auditor, and suit may be brought thereon immediately: *Provided,* That all loans made on personal security shall be renewed annually.

If additional security be not given within ten days after notice given, note may be sued on.

SEC. 4. It shall be the duty of the boards doing county business, in the several counties in this State, semi-annually to examine the situation of the several loans of said fund, made on personal security, and if, in the opinion of the said board, the security therefor is not ample, or has in any way become impaired, the said board shall require such additional security as shall be satisfactory to said board, and on failure so to give such additional security, the said loan shall be considered due.

Duty of county boards in relation to loans.

SEC. 5. All loans which may hereafter be made of any of the school or surplus revenue funds, shall be made without reference to the valuation laws now in force, but the premises mortgaged may be sold, and the promissory notes given for any of these funds, may be sued on, and the amount due collected in the same manner as if the present valuation laws had not been passed.

Loans to be made without reference to valuation laws.

SEC. 6. All acts and parts of acts contrary to the provisions of this act are hereby repealed.

SEC. 7. This act to be in force and take effect from and after its passage, and it is hereby made the duty of the Secretary of State to forward to the auditor of each county in this State, a certified copy of this act.

CHAPTER X.

An Act to amend the forty-eighth chapter, article fifth, of the Revised Statutes of 1843, in regard to writs of ad quod damnum.

[APPROVED JANUARY 18, 1847.]

When sheriff is related to applicant, or an affidavit is made, court to appoint a person to execute writ.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever any circuit court hereafter grants and orders a writ of *ad quod damnum*, and it shall appear to the court, when application is made for the writ, that the sheriff is related by affinity or consanguinity to the applicant, or to any person whose land or interest may likely be affected under the proceedings by authority of the writ, or if the applicant files an affidavit that he or she is apprehensive that injustice will be done in empanneling the jury, by the sheriff, it shall thereupon become the duty of the court to designate and appoint a disinterested and discreet person to whom the writ shall be directed, to discharge all the duties which would have been incumbent upon the sheriff, by virtue of the statute, to which this is an amendment, if the writ had been directed to him.

The sheriff or other person shall designate the day to execute the writ, of which he shall give notice to the person obtaining it.

SEC. 2. The court instead of ordering the Sheriff or other person to empannel the jury and hold the inquest upon a certain day, named in the writ, shall leave it to the sheriff, or the person to whom the writ is directed, within a reasonable time after the writ is delivered to him, to designate the day of inquest, of which he shall give the person obtaining the writ, ten days' notice, and in empanneling the jury, the person obtaining the writ, or any other person, whose interest may be affected by the inquest, shall have the right of peremptory challenge to three jurors, and for good cause to any number; and in case of any jurors being challenged, as is above provided for, other jurors shall forthwith be summoned to fill up the pannel.

Challenges to jurors how and for what cause made.

For what cause day of holding inquest may be changed.

SEC. 3. If from any cause, the sheriff or person acting under the writ, does not or cannot hold the inquest upon the day he designates, then he may hold the inquest upon any subsequent day previous to the return day of the writ, in which he shall be directed by the foregoing provisions of this section.

Witnesses may be summoned, and for what purpose.

SEC. 4. The sheriff or other person acting under the writ, shall, at the request of the person who obtained the writ, summons any witness to bear evidence to the jury

as to the high water or back water mark, or to the fall of the water in the premises, or to whatever question the jury may wish to be informed.

SEC. 5. The sheriff or person acting by authority of the writ, shall swear the witnesses, and the person obtaining the writ, by himself or another, shall point out and designate to the jury the site and spot where he desires to build a dam and construct a mill or machinery, which the jury shall accurately examine, and then proceed to examine the stream and premises above as high up as it may be apprehended any one's interests may be affected, as is provided in the statute to which this is an amendment; and upon the inquest being made and returned to court, the court shall in all respects except as in this act is provided, be governed by the act to which this is an amendment.

Sheriff or person acting may swear witnesses, &c., &c.

Court how to be governed on return of inquest.

SEC. 6. This act shall be in force from and after its publication in the Indiana State Sentinel or Indiana State Journal.

CHAPTER XI.

An Act to fix the time of holding courts in the tenth Judicial Circuit.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit courts of the tenth judicial circuit of said State, shall hereafter be holden as follows, to-wit: In the county of Morgan on the first Mondays of March and the third Mondays of August of each year, and be holden for eight days; in the county of Monroe on the Thursday succeeding the terms of the county of Morgan, for nine days; in the county of Brown on the Mondays succeeding the terms of the county of Monroe, for one week; in the county of Owen on the Mondays succeeding the terms of the county of Brown, for one week; in the county of Greene on the Mondays succeeding the terms of the county of Owen, for two weeks; in the county of Daviess on the Mondays succeeding the terms of the county of Greene, for two weeks; in the county of Martin on the Mondays succeeding the terms of the county of Da-

Courts when to commence and how long to sit.

viess, for one week; in the county of Lawrence on the Mondays succeeding the terms of the county of Martin, for two weeks or longer, not exceeding three weeks, if the business thereof require it.

Writs, &c., when returnable, and the effect thereof.

SEC. 2. All writs and notices that may have issued or been served, before the taking effect of this act, in relation to any matters now pending or to be pending in any of said circuit courts, are hereby made returnable to the first day of the next term of said courts, as fixed by this act; and all suits, recognizances, motions, rules, and other proceedings which, at the time of taking effect of this act, shall be pending in any of said courts, shall be acted upon therein in the same manner as if this act had been in force at the time they were commenced, taken, or instituted.

Repealing clause.

SEC. 3. Any law contravening the provisions of this act be and the same is hereby repealed.

Secretary to forward copies.

SEC. 4. This act to take effect and be in force from and after its passage, and the Secretary of State is required to forward a copy thereof to the clerks of the several circuit courts of said counties immediately.

CHAPTER XII.

An Act to amend the first article of the fiftieth chapter of the Revised Statutes of 1843.

[APPROVED JANUARY 27, 1847.]

Board to select jurors, and how.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the board doing county business in the county of Washington, at its March term, after the passage of this act, or the next succeeding term thereafter, to select from the tax list all (as near as may be) the good reputable freeholders and householders having the qualifications of jurors.

Names to be put in a box, &c.

SEC. 2. Such names so selected shall be written on separate and similar pieces of paper and closely folded, so as to conceal the name, and put into a box provided for that purpose, and well shaken together.

Clerk how to select and apportion jurors.

SEC. 3. The clerk of the circuit court shall then, in the presence of the board, and without seeing any of the names, draw from the box first, the names of fifteen

persons, who shall be grand jurors for the first term of said court; next, the names of twelve persons, who shall be petit jurors for the first week of said term; and next, the names of twelve persons, who shall be petit jurors for the remainder of the term; and in like order, the names of persons shall be drawn for grand and petit jurors for the succeeding term or terms of said court, in the same year and years next ensuing said drawing, and no other selection shall be made until all have been summoned, who shall remain in said county as such qualified jurors.

SEC. 4. Such jurors shall be paid for their services as Jurors how paid. is now provided by law.

SEC. 5. Every member of the board doing county business in said county, or the clerk of the circuit court, sheriff, or any other officer, who shall practice any fraud, or be guilty of a wilful evasion of any of the provisions of this act, in the selecting, drawing, recording, or summoning any grand or petit juror shall, on conviction thereof, be fined in any sum not less than ten nor more than one hundred dollars. Officers how punished for neglect or fraud.

SEC. 6. All laws and parts of laws contrary to the provisions of this act, so far as relates to Washington county, be and the same are hereby repealed. Laws repealed.

SEC. 7. This act shall be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

CHAPTER XIII.

An Act to provide for the election of Prosecuting Attorneys by the people in the several counties.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of the several counties of this State shall elect a prosecuting attorney in their respective counties, on the first Monday in August, preceding the expiration of the term of service of the prosecuting attorneys now in office or elected, and every third year thereafter; who shall be commissioned by the Governor, and hold his office for Each county to elect prosecuting attorney, how and when.

three years, and until his successor shall have been elected and qualified.

Necessary qualification.

SEC. 2. No person but a regularly licensed attorney, in addition to the usual qualifications to hold office, shall be eligible to the office of prosecuting attorney.

Clerk to certify and Governor to commission.

SEC. 3. Immediately after the time allowed for contesting elections by law shall have expired, the clerk of the circuit court shall certify to the Secretary of State the number of legal votes given to each candidate for the office of prosecuting attorney; and it shall be the duty of the Governor forthwith to make out and forward commissions to such person, who shall have received the highest number of votes.

Vacancies how filled.

SEC. 4. Whenever a vacancy shall happen in said office, from any cause whatever, the circuit court of the proper county, at the next session thereafter, shall appoint some person prosecuting attorney, of like qualifications, to fill such vacancy until the next annual election, and until his successor shall have been elected and qualified.

When the court may appoint from another county.

SEC. 5. Should it so happen at any time that no attorney can be had in the county, of the qualifications in the second section in this act required, who will have the office of prosecuting attorney for the fees hereinafter named, the circuit court may appoint some other attorney in any other county in the circuit, until one shall have been elected and qualified according to law.

Prosecutor's fees, court may consolidate indictments.

SEC. 6. As a compensation in full to such prosecuting attorney, he shall be entitled to a docket fee of four dollars upon a plea of guilty, and a docket fee of five dollars in each and every conviction upon a plea of not guilty, in the circuit court, and a fee of ten dollars in each conviction in the supreme court, on a writ of error or appeal: *Provided, however,* That the court may have the power to consolidate where there are a number of indictments against the same person or persons, if, in their opinion, justice requires it.

Proviso.

Bond to be given, and by whom approved.

SEC. 7. Before entering on the duties of his office, such prosecuting attorney so elected and commissioned, shall file a bond in the sum of five hundred dollars, payable to the State of Indiana, conditioned for the faithful discharge of the duties of his office, according to law, with sufficient security, to be approved of by the associate judges of the county.

When act to be in force.

SEC. 8. This act to take effect and be in force from and after its passage and publication. And all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

CHAPTER XIV.

An Act for the suppression of Obscene Books, &c.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That every person who shall print, publish, vend, distribute, exhibit, or circulate, or in any wise cause to be printed, published, sold, distributed, exhibited, or circulated, any obscene book, pamphlet, print, or picture, shall, upon conviction thereof, on indictment, be fined in any sum not exceeding five hundred dollars nor less than fifty dollars, and be imprisoned in the county jail any length of time at the discretion of the jury trying the same.

Obscene books, &c., penalty for printing, &c., &c.

SEC. 2. That all persons engaged in vending, distributing, circulating, or exhibiting, or in any way preparing such obscene book, pamphlet, print, or picture, shall be deemed principal and punished as such, in the same manner as is provided in section one.

Principals, who deemed such, and how punished.

SEC. 3. That upon complaint made, by affidavit, before any justice of the peace, alleging that any obscene book, pamphlet, print, or picture (describing the same) is in progress of being printed, published, vended, or distributed, or has been printed and not yet published, sold, or distributed, and the person or persons believed to be engaged in such work, it shall be the duty of said justice of the peace to issue his attachment to any constable of the township or sheriff of the county (who is hereby required to serve such writ) making the State of Indiana the plaintiff, commanding said officer to attach all the copies or volumes of such obscene book, pamphlet, print, or picture, and the cuts or plates or engravings, and the same safely to keep, and also to take the person or persons, alleged to be engaged in printing or publishing, or vending, or distributing, or circulating, or exhibiting the same, and them to bring before said justice without delay.

Suspected persons, apparatus, volumes, &c., how to be taken and brought before justice.

SEC. 4. That upon a return of the constable or sheriff that he has attached such book, pamphlet, print, or picture, or cut, or plate, or engraving, it shall be the duty of said justice, unless the person made defendant shall claim a jury, to proceed to try and determine the character of such book, pamphlet, print, picture, cut, plate, or engraving; but if a jury is demanded by such defend-

If justice or jury shall find prints, &c., to be obscene, the same to be destroyed, by whom and how.

ant a venire shall issue, and the jury shall determine the character of the book, pamphlet, print, picture, cut, plate, or engraving, and if the same is decided to be obscene, the justice shall adjudge the same to be burned and destroyed, and he shall direct the said constable or sheriff to burn and destroy the same; and from said judgment an appeal may lie to the circuit court to either of the parties, and said cause shall there proceed and be tried and disposed of as is provided above before the justice.

Appeal may be taken from justice's decision.

Justice may examine, discharge or recognize defendants to circuit court.

SEC. 5. The justice shall also proceed to examine the charge made against those made defendants, if they shall have been taken, and discharge or recognize the same to answer to the circuit court, as in other alleged crimes, according to the evidence in the case.

SEC. 6. This act to be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal.

CHAPTER XV.

An Act for the relief of the sufferers by the late floods.

[APPROVED JANUARY 27, 1847.]

Preamble.

WHEREAS, In consequence of the late floods and inundations which have prevailed throughout the State of Indiana, the people in many parts thereof have suffered greatly in permanent injury done to their lands and real estate, as well as in the destruction of personal property:

AND WHEREAS, It is the duty of every good government to relieve to the extent of its ability, the sufferings and misfortunes of its citizens:

AND WHEREAS, The burthens of the government ought to rest equally upon every citizen of the State, taking into consideration the amount of property possessed by each:

AND WHEREAS, The land and real estate, in many parts of this State, have been rendered permanently less valuable in consequence of the injury done to the same by the said floods and inundations, than they were at the time of their valuation and assessment for the purpose of taxation in 1845: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it is hereby made the duty of the several township and county assessors in this State, in the year eighteen hundred and forty-seven, to examine and re-appraise each tract of land and town lot in their respective counties or townships which have been permanently injured by the extraordinary freshet on or about the first of January, 1847, either by the destruction of lasting and valuable improvements, or by permanent injury done to the same, by which the same is rendered materially less valuable than before; and upon such view and examination, made by such assessors, to report the same to their respective county boards, at the time of making the return of the assessment roll; and it shall be the duty of the several county boards to direct the proper officer to correct the tax duplicate accordingly.

Township assessors, their duty in relation to recent freshet.

When to report to county board, &c.

SEC. 2. The board doing county business, auditor, and such assessor shall meet at the seat of justice of each county on the first Monday of June next, and shall constitute a board of equalization, who shall have power to hear and determine the complaint of any owner of such lands and real estate, and the valuations of the same; and may correct any valuation as they may deem proper, and shall have power to equalize the valuation made by said appraisers, either by increasing or diminishing the same, as may seem just and equitable.

County board, auditor, and assessor a board of equalization, to correct valuation, &c., when to meet, &c.

SEC. 3. Such appraisement of such lands and real estate shall stand and be considered as the the grand levy of the State as to said lands until further provided for by law.

Appraisalment, grand levy of State, &c.

SEC. 4. In all other respects whatever, the several assessors, boards doing county business, county treasurers, county auditors, and all other officers and persons connected therewith, shall be governed by the laws now in force on the subject of assessing and collecting the revenue for State and county purposes.

In what respects board and officers to be governed by revenue laws, &c.

SEC. 5. This act to be in force from and after its passage; and the Secretary of State is hereby required to cause a certified copy thereof to be published in the Indiana State Sentinel, and one copy of said paper to be forwarded to the clerk of the circuit court of each and every county in the State.

Act to be published and copy forwarded to clerks, &c.

CHAPTER XVI.

An Act for the better protection of religious assemblies.

[APPROVED JANUARY 18, 1847.]

Liquors, &c., not to be sold or given, within two miles of a collection of public worshippers, or they otherwise disturbed; punishment for violation.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person who shall erect, bring, keep, continue, or maintain any booth, tent, wagon, huckster shop, or other place for the sale of spirituous or intoxicating liquors, cider, beer, or other drinks, or for the sale of wares, merchandize, fruit, or other commodities whatever, within two miles of any collection of any portion of the citizens of this State for the purpose of public worship, or any person who shall sell or give away any such spirituous or intoxicating liquors, within the distance aforesaid, or shall sell any cider, beer, or other drinks, or any such wares, merchandise, fruit, or other commodities at any such booth, tent, wagon, huckster shop, or other place so erected, brought, kept, continued or maintained as aforesaid, within the distance aforesaid, of any such collection of citizens for such worship, or who shall interrupt, disturb, or molest any religious society, or any member or members thereof, when met or meeting together for such worship, or when dispersing or going from the place of any such meeting, shall be fined in any sum not exceeding fifty dollars nor less than three dollars, to which may be added imprisonment for any term of time not exceeding one month.

What persons and business exempt from the penalties of this act.

SEC. 2. The preceding section shall not be construed to include such persons as may carry on their ordinary and regular business at their regular place of transacting the same, nor to such persons as may have the permission of those having charge of any such meeting, to establish suitable places for the purpose of furnishing food for those attending the same, their horses and cattle.

SEC. 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 4. This act to take effect from and after the first day of April, eighteen hundred and forty-seven.

CHAPTER XVII.

An Act to amend an act entitled "An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes," approved January 19, 1846.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled "An act to modify the thirtieth section, chapter sixteen, of the Revised Statutes," approved January 19, 1846, be so amended as to extend its provisions to the county of Morgan, and that the board of commissioners of said county shall hereafter be in all things governed thereby.

CHAPTER XVIII.

An Act for the benefit of the Volunteers for the Mexican war, and for the relief of county Treasurers.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the several county treasurers of this State in which companies of volunteers for the Mexican war have been raised and ordered on, in which there is any tax, either county or State, levied and charged against any one or more of said volunteers, privates and non-commissioned officers, to make out a certified list of the names and the amounts of county and State tax against each of said persons; and that the said treasurers shall present the said certified list of the State tax to the Treasurer of State, who shall thereupon enter a credit for said amount; and the said treasurers shall each file with the county auditor of their respective counties a certified list of the name and amounts of county tax charged as aforesaid. Said list to be laid before the board doing county business in and for said counties, whose duty it shall be to enter to the credit of said treasurers the said amounts.

County treasurers to make certificate of volunteers' State and county tax.

Treasurer of State to enter a credit for the amount.

County board shall enter the credit, &c.

SEC. 2. That it shall be the duty of said treasurers to enter a receipt upon their tax books for the amount

Receipt on treasurer's book, a release to volunteers.

teers for amount of their tax. of each man's tax, and that the same shall operate as a final release to each and every one of said volunteers for said amount.

Act when in force—how to be published and distributed. SEC. 3. This act to take effect and be in force from and after its passage and publication in the State Sentinel; and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to each of the counties of this State on or before the first day of January next.

CHAPTER XIX.

An Act to regulate chancery practice.

[APPROVED JANUARY 22, 1847.]

Defendants may be required to answer under or without oath. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person or persons commencing suits in chancery, in any of the courts of this State, may at his, her, or their discretion require the defendant or defendants to answer his, her, or their bill of complaints under oath or without oath.

When defendant required to answer without oath—answer to operate only as a denial of charges in bill, and complainant not required to establish allegations by more than one witness. SEC. 2. That when any complainant or complainants shall, in the prayer of his, her, or their bill, require the defendant or defendants to answer the same without oath, the answer of the defendants, whether made under oath or without oath, shall operate only as a denial of the allegations and charges contained in the complainant's bill, and that in all such cases the complainant shall not be required to substantiate the allegations and charges in his bill contained by more than one competent witness.

SEC. 3. All acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

SEC. 4. This act to be in force from and after its passage.

CHAPTER XX.

An Act to amend section one hundred and twenty-eight, chapter thirty-five, of the Revised Statutes of 1843.

[APPROVED JANUARY 5, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section one hundred and twenty-eight, chapter thirty-five, of the Revised Statutes of 1843, be and the same is hereby so amended as to authorize the several probate courts of this State to make reasonable allowances from time to time to guardians for their services and expenses while in the execution of their trusts.

SEC. 2. All laws contravening the provisions of this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXI.

An Act to amend article one, of chapter forty-two, of the Revised Statutes, on the subject of the liens of mechanics and others on buildings.

[APPROVED JANUARY 6, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of the first section of chapter forty-second, of the Revised Statutes be and the same is hereby so amended as to authorize mechanics and others, by complying with the provisions of said law, to have a lien on buildings for any sum.

SEC. 2. And that this act shall be in force from and after its passage.

Mechanics' lien law amended, and how.

CHAPTER XXII.

An Act in relation to the service of Subpœnas in Chancery.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter all subpœnas in chancery shall be served by reading the same in the hearing of the defendant; and that section eleven, chapter forty-six, of the Revised Statutes of 1843 be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XXIII.

An Act in relation to proof of notice by publication.

[APPROVED JANUARY 18, 1847.]

Publication of notice how proven.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That when notice is, in any suit, proceeding, or sale under execution, or other matter, required by the provisions of law to be given by publication in any newspaper, an affidavit of any person of competent age, and not interested therein, annexed to a copy of such notice taken from the paper in which it was published, may be filed in the clerk's office by the person whose duty it was to cause such publication to be made, such affidavit specifying the county, the times when, and the paper in which such notice was published.

Certified copies of notices and affidavits presumptive evidence, &c.

SEC. 2. The original affidavit and copy of such notice, filed pursuant to the provisions of the first section of this act, and copies thereof, duly certified by the officer in whose custody the same may be, shall be presumptive evidence in all cases and before every court of the facts contained in such affidavit.

SEC. 3. This act shall be in force from and after its passage; and all laws coming in conflict with the same are hereby repealed.

CHAPTER XXIV.

An Act defining the duties of County Treasurers.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall be lawful for the several county treasurers to attend at the place of holding elections in each township, one or more days, for the purpose of receiving the revenue, at any time between the fifteenth day of September and the first day of November in each year.

SEC. 2. That so much of section fifty-four, chapter twelve, of the Revised Statutes of 1843, as conflicts with this act be and the same is hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXV.

An Act to repeal the third section of an act entitled "An act to provide for the re-appraisal of real estate heretofore appraised and subject to taxation," and for other purposes.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the third section of an act of Re-appraisal act third section entitled "An act to provide for the re-appraisal of real estate heretofore appraised and subject to taxation," approved January 19th, 1846, be and the same is hereby repealed.

SEC. 2. That hereafter it shall be the duty of the township assessors of Owen and Clay counties, at such times as the legislature may provide by law, to re-appraise the real estate subject to taxation in said counties; and that they shall be allowed the same compensation per day as now provided by the sixty-seventh section, chapter seven, article third, Revised Statutes.

SEC. 3. That hereafter it shall not be the duty of assessors of personal property under the provisions of Oaths need not be administered by assessors to

tax payers unless well grounded suspicion exists. the sixth section of an act to provide for the appointment of township assessors in certain counties therein named, and defining their duties, approved January 15, 1844, to administer an oath to any tax payer as to the correctness of his list of property unless there be good reason to believe said list is not correct.

SEC. 4. That the assessment of Clay county for the year eighteen hundred and forty-six be and the same is hereby legalized, so far as relates to polls and personal property.

SEC. 5. This act to be in force from and after its passage.

CHAPTER XXVI.

An Act repealing all laws allowing docket fees, excepting in certain cases.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the third section of an act entitled "An act fixing the time of holding courts in the ninth judicial circuit," approved January 19, 1846, be and the same is hereby repealed.

SEC. 2. The first section of an act entitled "An act abolishing docket fees and dispensing with final records in certain cases," approved January 28, 1843, be and the same is hereby amended so as to allow to prosecuting attorneys a docket fee for each trial and conviction in criminal cases.

CHAPTER XXVII.

An Act declaring an act therein named to be a misprint.

[APPROVED JANUARY 18, 1847.]

§2 in 23d section of 10th chapter of Revised Statutes of 1843, a misprint and

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the twenty-third section of the tenth chapter of the Revised Statutes of

1843, as allows county surveyors two dollars for every survey by him plainly bounded as the law directs and for a plat of such survey after the delivery of such plat, where the survey does not exceed four hundred acres, be and the same is hereby declared to be a misprint, and that the said two dollars should have been three dollars.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXVIII.

An Act to authorize Clerks of Circuit Courts to administer oaths in certain cases.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the clerk of any circuit court of this State is hereby authorized at all times in vacation or otherwise, to administer all oaths and affirmations in any way connected with or pertaining to the business of any court or courts of which he may act as clerk.

CHAPTER XXIX.

An Act granting to Probate Judges in this State the right of taking acknowledgments of deeds and other instruments in writing.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the several probate judges of this State shall have power and they are hereby authorized to take acknowledgments of and certify deeds, mortgages and all other instruments of writing required by law to be acknowledged in their respective counties; which acknowledgments when so taken and certified by said probate judges shall be as valid and effectual in all

Probate judges authorized to take acknowledgments of deeds, &c., and make certificates, &c.

cases and to the same extent as if the same had been taken before a judge of the circuit court or a justice of the peace.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXX.

An Act defining the mode of publishing the delinquent tax lists in the several counties in this State.

[APPROVED JANUARY 23, 1847.]

Auditors to give notice of land sales for taxes, when, and how.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the several county auditors in this State, in advertising lands for sale for the non-payment of taxes due thereon, to give a general notice of the time and place, for four successive weeks before the day of sale, in a newspaper having the greatest circulation in the county in which such delinquent lands may be situated.

Copies of delinquent lands by whom to be posted up, and where,

SEC. 2. And it is further made the duty of the several county auditors to post up three manuscript copies of all lands so returned delinquent for the non-payment of taxes, in their respective counties, as follows, to-wit: One in the clerk's, one in the treasurer's, and one in the auditor's office, or in such other places as the board doing county business may direct; which manuscript copies shall have attached at the bottom, notice of the time and place of such sale of lands so returned delinquent for the non-payment of taxes.

An abbreviated publication, when certain requisites have been complied with.

SEC. 3. When the above requirements, on the part of the several county auditors, have been fully complied with, it shall not be necessary for said delinquent lists to be published at full length in any newspaper, to make said notices and sales, if any there be, legal in every particular.

Auditors' compensation, charged against land, and how collected and paid.

SEC. 4. The several county auditors in this State shall receive in full compensation for their services, in making out such manuscript copies, as is required by this act, the sum of ten cents for every one hundred words, and no more, counting three figures for a word; which sum, and all other costs of advertising, shall be charged to the lands so returned delinquent, to be col-

lected as other charges against said lands are collected, and the same to be paid into the county treasury. The boards doing county business shall allow the county auditors the above sum, and no more, in full compensation for the extra services required by this act, to be paid out of the county treasury.

SEC. 5. Nothing in this act shall be so construed as to prevent the county commissioners of any county from ordering said delinquent lists to be published at full length in any paper having the greatest circulation in the same; and when such order shall be made by said board of commissioners, it shall not be necessary for the auditors in their respective counties to comply in any particular with the first and second sections of this act. And it is further made the duty of the county auditors to open an additional column on the delinquent duplicate, in which shall be charged the cost of such advertisements, and the same to be carried to the column of totals; and said delinquent lands shall be chargeable with the same until fully paid and satisfied.

Commissioners may publish delinquent lists at full length, effect thereof, and further duty of auditors.

SEC. 6. The several county treasurers and auditors in this State, are hereby constituted a board to examine the delinquent duplicate of their respective counties each year, for the purpose of striking from said duplicate all cases of hopeless insolvency, subject however to a revision of the boards doing county business.

Who a board to examine—may strike from duplicate cases of hopeless insolvency.

SEC. 7. This act to be in force from and after its passage; and all laws and parts of laws coming within the purview of this act be and the same are hereby repealed.

CHAPTER XXXI.

An Act to authorize settlers on the public lands to petition for county roads.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the settlers on the public lands in this State be and they are hereby authorized to petition for, and remonstrate against the location of any county road in this State, in the same manner and with the same force and effect and subject to the same liabilities as freeholders may now do.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXXII.

An Act changing the time of holding the Probate Courts in Jefferson county.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate court of Jefferson county shall hold four terms in each year, commencing on the third Mondays of March, June, September, and December, and shall sit twelve days at each term if the business shall require it.

SEC. 2. This act to be in force from and after its passage and publication in the Indiana Journal and State Sentinel.

CHAPTER XXXIII.

An Act to reduce the price of the Revised Statutes of 1843.

[APPROVED JANUARY 5, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the several county treasurers in this State, in whose hands copies of the Revised Statutes of 1843 have been or may be placed for sale, may and are hereby authorized to sell the same at one dollar per volume.

SEC. 2. All acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

SEC. 3. This to be in force from and after its publication in the Indiana State Journal.

CHAPTER XXXIV.

An Act to compel non-residents to pay a road tax equal to that of residents.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That when any supervisor finds it necessary to assess additional road tax and labor on the inhabitants of his district to keep the roads in his district in good repair, as contemplated by section eighty-one, chapter sixteen, of the Revised Statutes of 1843, a like assessment shall be made on the lands of non-residents or others, and if such non-residents or others, fail by themselves or agents to work out such additional assessment under the direction of the supervisor, it shall be the duty of such supervisor, when he make his final report to the county auditor, to set forth a description of the lands of the non-residents and others in his district, with the amount of delinquencies on each tract, and it shall be the duty of the auditor to add the amount of such delinquency to the tax on such lands for the current year, which tax and delinquency may be worked out or collected as now provided by law, and paid over to the proper supervisor.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXXV.

An Act to amend section four hundred and fourteen of chapter forty, of the Revised Statutes of 1843, relative to the advertising of real estate at sheriff's sales.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section four hundred and fourteen of chapter forty, of the Revised Statutes of eighteen hundred and forty-three, be so amended that where two or more newspapers are printed and published in the same town or village, the sheriff shall publish the sale

in either of said newspapers; which shall be a sufficient advertisement of said sale, so far as the same is required to be published in a newspaper.

SEC. 2. That this act shall be in force from and after its passage and publication.

CHAPTER XXXVI.

An Act to amend the one hundred and forty-fourth section of the thirtieth chapter of the Revised Statutes of 1843.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one hundred and forty-four, chapter thirty, of the Revised Statutes of 1843, be so amended that reputable householders of the neighborhood as well as freeholders may be selected by executors or administrators as appraisers of the estates of decedents.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXXVII.

An Act to prevent the Circuit and Probate Courts in the county of Marion from sitting at the same time.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever it shall so happen that the time fixed by law for holding any of the terms of the circuit court in the county of Marion shall fall within the time fixed for holding any of the terms of the probate court in said county, then the term of the probate court shall be accelerated so as to complete its term on the Saturday next preceding the commencement of the term of the circuit court.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XXXVIII.

An Act relative to granting letters of guardianship.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several clerks of the probate courts in this State shall, in the vacations of such courts, have power to grant and issue letters of guardianship; and in the issuing of which, together with all subsequent proceedings thereon, they as well as the probate courts, shall be governed in all respects by the laws now in force relative to the granting of letters testamentary and of administration in vacation.

SEC. 2. It shall hereafter be the duty of the clerks of the several probate courts in this State to prepare from their order books of said courts, a separate docket with appropriate columns, in which they shall docket all letters of guardianship, and note the date of the letters, the names of the guardians and wards, also the names of the sureties, and the date of each settlement; which docket shall have a suitable alphabet. The said clerks shall be allowed twelve and a half cents for making such entry at the time it is made, but it shall not be necessary to docket or continue the guardianship on the order book or court docket as in cases of administrations, except in cases of petitions or other proceedings by or against guardians; nor shall it be lawful for such clerks to make any charge for docketing such guardianship except as herein provided.

SEC. 3. All laws contravening the provisions of this act are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XXXIX.

An Act to amend the acts now in force in regard to sending Students to the State University.

[APPROVED JANUARY 27, 1847.]

Students failing to attend, others to be appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever any students are sent from any of the counties in the State to the State University under the provisions of the law now in force in regard to county students, the failure of any of said students so sent as county students to attend said university, any one session after said appointment, shall vacate the same, and the several boards doing county business are hereby authorized to make other appointments in the place of such students thus failing to attend.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XL.

An Act providing for the correction of errors in patents for lands sold by the State.

[APPROVED JANUARY 5, 1847.]

Corrections to be made.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever it shall appear from the certificate of the Auditor of State that any mistake has been made in issuing a patent for lands sold by the State, either in the description of the section, township, range, number of acres, or in any other respect, which may be material in the conveyance, it shall be the duty of the Secretary of State, upon the production to him of the Auditor's certificate, to make such correction of the patent as may be necessary.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLI.

An Act fixing the time for the report of the Trustees of the Indiana Asylum for the education of the Deaf and Dumb.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the trustees of the deaf and dumb asylum to make to said assembly their annual report on or before the Wednesday succeeding the meeting of said assembly. When to report.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLII.

An Act in relation to Brokers.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the several boards License by whom and on what terms granted. doing county business in this State may charge any sum not less than ten nor more than two hundred dollars, as to them shall seem right, for each license for the period of one year to carry on and exercise the business of a stock or exchange broker, in buying or selling stocks, bank notes, gold or silver money, or dealing in promissory notes or bills of exchange.

SEC. 2. All laws or parts of laws so far as the same Repealing clause. may contravene the provisions of this act be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XLIII.

An Act to change the time of holding the Probate Court in Ripley county.

[APPROVED JANUARY 21, 1847.]

To sit two weeks. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the terms of the probate court in and for Ripley county shall hereafter be held on the third Mondays of March, June, September, and December in each year, and may sit two weeks at each term if the business shall require it.

Judge's salary. SEC. 2. The judge of said court shall hereafter receive for his compensation the sum of three dollars per day for each day that he shall be engaged in the duties of his office.

SEC. 3. All acts prescribing the time of holding the probate court in said county, heretofore passed, be and the same are hereby repealed.

CHAPTER XLIV.

An Act for the further relief of the Volunteers of the State of Indiana.

[APPROVED JANUARY 14, 1847.]

Poll tax remitted. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the volunteers from this State who are now in the service of the United States, in Mexico, or who have been discharged from said service, and who have had a poll tax assessed against them for the year 1846, be and the same is hereby cancelled and remitted.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XLV.

An Act for the extension of the time of holding the Probate Courts in certain counties therein named.

[APPROVED DECEMBER 23, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate courts in the counties of Putnam, St. Joseph, Lawrence, Harrison, Wayne, Tippecanoe, Morgan, Jefferson, Jackson, Marion, and Floyd, shall hereafter sit two weeks at each term thereof, if the business shall require it.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLVI.

An Act changing the time of holding the Probate Court of the county of Delaware.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate court of the county of Delaware shall hereafter meet on the third Mondays of May and November, and shall sit six days at each term, if the business thereof require it.

SEC. 2. All acts and parts of acts coming within the purview of this act be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its publication in the Indiana Journal.

CHAPTER XLVII.

An Act to change the time of holding the Probate Courts in the county of Parke.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time fixed by law for holding the terms of the probate court of Parke county shall be and the same is hereby changed to the second Mondays of March, June, September, and December.

SEC. 2. That said courts shall and may continue nine days in session at each term if the business thereof requires it.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XLVIII.

An act to amend an act entitled "An act relative to overseers of the poor," approved January 15th, 1844.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when there are three or more justices of the peace of any township in this State, with commissions of the same date, any two or more of said justices are hereby authorized to exercise the office and duties of overseers of the poor of said township, without regard to age, as provided in the act to which this is an amendment.

SEC. 2. This act to be in force from and after its passage.

When any two justices may act as overseers.

CHAPTER XLIX.

An Act fixing the time of holding the May and November terms of the Grant Probate Court.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the probate court in the county of Grant shall commence its May and November terms on the third Monday in said months of May and November, instead of the second Monday of the same.

SEC. 2. All laws and parts of laws coming within the purview of this act be and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER L.

An Act to authorize the Probate Judge of Dearborn county to issue writs of habeas corpus.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate judge of the said county of Dearborn shall have full power and authority to issue writs of habeas corpus in said county, and proceed to trial thereon, and hear and determine the same in the same manner as the associate judges of the circuit court are by law authorized to do, under the laws in force in this State; for which he shall receive the same compensation as is allowed by law to the associate judges of said county of Dearborn for similar services, and to be paid in the same manner.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LI.

An Act to amend section one hundred and twenty-eight, chapter sixteen, Revised Statutes of 1843.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all counties in this State that have special road laws shall not be exempt from the provisions of said chapter sixteen, except in cases where the special law or laws of a county or counties conflict with the provisions of said chapter.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LII.

An Act more fully to explain the fifty-fourth section, chapter sixteen, of the Revised Statutes of 1843.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the fifty-fourth section aforesaid shall be so construed that where any road shall have been in part opened and worked, and been of public utility, said part shall remain a public highway, notwithstanding the fifty-fourth section before referred to.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LIII.

An Act to amend the eighth section of an act regulating the fees and salaries of the several officers and persons therein named, approved February 7th, 1831.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That recorders and county surveyors are hereby authorized to issue fee bills for fees due their predecessors in office, in the same manner as if the fees were due them in their own right.

SEC. 2. That this act to be in force from and after its passage.

CHAPTER LIV.

An Act to provide for the recording of bonds and letters of guardians.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the clerks of the several probate courts in this State shall record in a book provided for that purpose all bonds of guardians and letters of guardianship, and the record or a duly certified copy of the same by the clerk of said court, shall be received in evidence as though the original was produced.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LV.

An Act to authorize writs of ne exeat.

[APPROVED JANUARY 23, 1847.]

For what and
when writ may
issue.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That writs of *ne exeat* may hereafter be granted in all cases where the debt or demand is not actually due, but exists fairly and bona fide, in expectancy at the time of making application under the regulations hereinafter prescribed; and it shall not be necessary to the granting of such writs of *ne exeat* that the applicant should show that his demand or debt is purely of an equitable character, cognizable only before a court of equity.

When co-obli-
gors and securi-
ties entitled to
writ.

SEC. 2. In all cases of joint or joint and several obligors or debtors, if one or more of them be about to remove without the jurisdictional limits of the State, taking their property with them, leaving one or more co-obligors or debtors bound with them for the payment of any sum of money, or for the delivery of any article of property, or for the conveyance of land at a certain time, which time shall not have arrived at the time of such intended removal, such co-obligor or debtor, who remains, shall be entitled on application to a writ of *ne exeat* to compel the co-obligor or debtor who is about to remove, to secure the payment of his part of the sum to be paid, or of the delivery of the property, or to convey or join in the conveyance of the land. Also in cases of security, the writ of *ne exeat* may issue of a security against the principal or co-surety, when the obligation or debt shall not yet be due, and the principal or co-surety is about removing out of the State.

Writ to be issued
on petition under
oath.

SEC. 3. No writ of *ne exeat* shall be granted in any case (except as hereafter provided), but upon bill or petition in which the plaintiff shall distinctly allege that he verily believes the defendant is about to leave the State of Indiana, taking with him property subject to execution, or money, or effects with which such debt or demand should be in whole or in part satisfied or secured, as the case may be, with intent to defraud said plaintiff; and affidavit to the truth of the allegations therein contained.

Court or judge to
endorse on bill or
petition penalty
of bond, &c.

Upon the granting of any such writ the court or judge granting the same shall endorse or cause to be endorsed on the bill or petition in what penalty bond or security shall be required of the defendant, and shall also, before

the issuing said writ, take bond of the complainant, with good and sufficient security, in such sum as the court or judge shall think proper, conditioned that the said complainant shall prosecute his bill or petition to effect, and that he will reimburse to the defendant such damages and costs as he shall wrongfully sustain by occasion of the said writ. If any such defendant to such writ of *ne exeat* shall think himself aggrieved he may bring suit on such bond; and if on trial it shall appear that such writ of *ne exeat* was prayed for without just cause, the person aggrieved shall recover damages, to be assessed as in other cases on penal bonds. All writs of *ne exeat* shall be returnable into the circuit court of the proper county; and when granted by a judge or judges, may be issued by them or the presiding judge, or a direction may be given for the clerk to do the same, and take a bond as above required.

Defendants rem-
edy on bond,
what.

To what court
writ returnable.

Clerk may issue
writ—take bond,
&c.

SEC. 4. The writ of *ne exeat* shall contain a summons for the defendant to appear in the circuit court and answer to the said bill or petition, and upon the same being served upon the said defendant, he shall give bond with surety in the sum endorsed on said writ, conditioned that he will not depart the State without leave of the said court, and that he will render himself in execution to answer any judgment or decree which the said court may render against him; and in default of giving such security he may be committed to jail as in other cases for want of bail. No temporary departure of the defendant from the State shall be considered as a breach of the condition of the said bond if he shall return before personal appearance shall be necessary to answer or perform any judgment, order, or decree of court.

Requisites of
writ and proceed-
ure thereon—ob-
ject of bond and
security.

SEC. 5. The surety in any bond for the defendant as aforesaid, may at any time before the said bond shall be forfeited, surrender the said defendant in exoneration of himself in the same manner that bail may surrender their principal and obtain the same discharge.

Surety may sur-
render defend-
ant, &c.

SEC. 6. On the return of the writ of *ne exeat*, if the same shall have been duly served, the court shall proceed thereon as in other cases of chancery, if the matters alleged in said bill be purely of an equitable character, and if the time of the performance of the duty or obligation of the defendant has expired; but the court may nevertheless proceed to determine whether the said writ ought not to be quashed: *Provided*, That the said plaintiff or plaintiffs shall prove to the satisfaction of the court or

Manner of pro-
cedure by court
on return of
writ, &c.

jury trying the same all the material matter alleged in their affidavit.

By whom writ may be issued.

SEC. 7. The circuit court in term time, or the circuit judge or the two associate judges in the presence of each other in vacation, may grant writs of *ne exeat* in accordance with the foregoing provisions of this act.

When writ may be discharged.

SEC. 8. If the defendant shall, by answer or otherwise, satisfy the court that there is no reason for his being restrained, or give sufficient security to perform the decree of the court the writ may be discharged.

Proceedings before justice of the peace.

SEC. 9. Whenever any person is about to remove from this State without leaving sufficient property for the payment of his debts, which debts shall not be due at the time, or who has made himself liable by contract, the time or performance of which contract has not arrived, and the amount or demand shall be within the jurisdiction of a justice, the creditor or the person entitled to coerce the payment of such debt or performance of such contract, may appear before any justice of the proper county, and make oath to the circumstances in the following form, to-wit:

"I, A— B—, do solemnly swear (or affirm) that C— D— is justly indebted to me, (or to E— F—, for whom I am agent or attorney, as the case may be), in the sum of ——— dollars; or that the said C— D— is holden to me, or to E— F—, for whom I am agent, &c., by contract as follows: (Here describe the contract, the time for the performance of which contract has not yet arrived.) And that I have reason to believe, and do verily believe that the said C— D— is about to remove from this State, taking with him property subject to execution, or money, or effects, with which said debt or contract should be in whole or in part satisfied or secured, (as the case may be,) with intent to defraud said plaintiff."

Which affidavit shall particularly describe the debt or contract of the creditor or other proper person.

Justice may issue writ—to whom directed.

SEC. 10. On making, subscribing, and filing with the justice an affidavit, as provided in the last preceding section of this act, the justice shall issue a writ of *ne exeat*, directed to any constable of the county, commanding him forthwith to take and bring before the justice issuing such writ, the defendant to show cause why he should not give special bail for the payment of his said debt or performance of his said contract.

Complainant to give bond, &c.

SEC. 11. No writ of *ne exeat* shall be issued by such justice until the complainant applying for such writ

shall have filed his bond with security, to the acceptance of the justice, for the payment of the costs that may accrue on such writ, and the damages the defendant may be entitled to in case the said plaintiff may have procured the issuing of said writ without cause.

SEC. 12. Any person conceiving himself aggrieved or damaged by the issuing of any writ of *ne exeat* by a justice of the peace shall be allowed to bring suit on such bond; and if on trial it shall appear that such writ was sued out without just cause, such person shall be entitled to recover such damages as a justice or jury may assess.

Defendant may sue on bond, &c.

SEC. 13. Whenever the defendant in any writ of *ne exeat* shall, on being brought before the justice, and required to do so by such justice, refuse or fail to give special bail to the satisfaction of the justice, the justice shall order the party so failing or refusing to be committed to the jail of the proper county; and the party so committed shall at any time after such commitment, on giving notice to the jailer that he is ready to give bail according to the provisions of this act, and actually giving bail, which shall be approved by two justices, to be summoned by such jailer as soon as practicable, and paying or securing the costs of commitment, be discharged from the custody of the jailer.

Defendant failing to give bail to be committed—how released.

SEC. 14. If on the trial of said writ before the justice either party shall conceive himself aggrieved, such party may take an appeal to the circuit court of the proper county, subject to the restrictions and conditions of the laws now in force touching appeals in other cases; and on an appeal the proceedings and trial in the circuit court shall be the same as if an original writ had been issued from that court; but no execution shall issue on any judgment rendered therein until the expiration of the time stated in the original contract for the payment of the debt or performance of the contract.

Either party may appeal, &c.

SEC. 15. No person giving special bail according to this act shall be liable for any costs that may have accrued by proceedings had on this writ, (except the costs of commitment as aforesaid): *Provided*, Such person or his bail shall pay the debt or perform the contract by the time specified in the original contract.

Defendant giving special bail not liable for costs, except, &c.

SEC. 16. Any person having become special bail or security for any defendant in a writ of *ne exeat* shall be permitted at any time to secure the principal in the same manner as in other cases; and every person bound as security for the payment of money or property or fulfillment of any contract not complied with, shall have the

Remedy of securities, &c.

same remedy against the principal by *ne exeat* before justices of the peace as is provided for creditors or parties.

SEC. 17. This act shall take effect and be in force from and after its passage.

CHAPTER LVI.

An Act making General Appropriations for the year 1847.

[APPROVED JANUARY 27, 1847.]

Gen. Assembly.	SECTION 1. <i>Be it enacted by the General Assembly of the State of Indiana,</i> That for the purpose of meeting the expenses of the State Government for the year 1847, the following sums are hereby appropriated, to-wit: For the General Assembly, twenty-eight thousand dollars; for
Judiciary.	the judiciary, fourteen thousand five hundred dollars; for
Execut. officers.	the executive officers, four thousand three hundred dollars; for public printing and binding laws, five thousand
Printing, binding, &c.	dollars; for probate judges, four thousand dollars; for
Probate Judges.	specific appropriations, five thousand dollars; for station-
Specific.	ery and fuel, two thousand dollars; for conveying con-
Stationery, &c.	victs to the State prison, two thousand five hundred
Convicts.	dollars; for contingent expenses of Governor, one thou-
Contingents.	sand dollars; for prosecuting attorneys, one thousand
Pros. Attorneys.	eight hundred and fifty dollars; for distributing laws and
Distributing laws, &c.	journals, four hundred and fifty dollars; for the State
State Library.	library, three hundred dollars; for the librarian's salary,
Librarian's salary.	five hundred dollars; for adjutant and quartermaster
Adjutant and Quartermaster Generals.	generals' salaries, six hundred dollars; for the State
State House.	house, (to be expended under the direction of the State
Gov.'s house.	librarian,) one thousand dollars; for the governor's house,
Public arms.	two hundred dollars; and for transporting and preserv-
Asylums.	ing public arms, six hundred dollars.

SEC. 2. That the sums respectively assessed by the revenue law of this session for the benefit of the asylum for the insane, the deaf and dumb asylum, and for the education of the blind, be and the same are hereby appropriated, to be expended under the respective laws on such subjects.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER LVII.

An Act making Specific Appropriations for the year 1847.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the principal and assistant secretaries of the Senate, and the principal and assistant clerks of the House of Representatives, shall each be allowed the sum of four dollars per day for each day they may have served as such during the present session. And that such assistants as may have been employed by any of the aforesaid secretaries or clerks, under any order of their respective branches of the General Assembly, be allowed four dollars per day for each day while so employed, to be ascertained by such secretaries or clerks, and certified by the president of the Senate and speaker of the House of Representatives, respectively.

SEC. 2. That the door keeper of the Senate and the door keeper of the House of Representatives shall each be allowed three dollars per day, to be certified by the presiding officer of their respective branches of the present General Assembly. That the assistant door keepers of the Senate and of the House shall each be allowed three dollars per day for each day they may have served as such, to be computed by their principals and certified in the same manner the allowance of their principals is certified.

SEC. 3. That John M. Barclay be allowed three dollars and fifty cents per day for every day he may have served as clerk to the committee of ways and means at the present session of the General Assembly, to be certified by the speaker of the House of Representatives.

SEC. 4. That Jacob Miller be allowed two dollars per day for his services as woodman to the Senate for each day he may have been so employed during the present session of the General Assembly, to be certified by the president of the Senate.

SEC. 5. That Henry Thompson be allowed two dollars per day for each day he may have served as door keeper to the committees of the present General Assembly, to be certified by the speaker of the House of Representatives.

SEC. 6. That R. Mayhew be allowed the sum of three hundred dollars for three years services as superintendent of common schools.

Widow of Hon.
A. Cuppy.

SEC. 7. That the widow of the Hon. A. Cuppy be allowed the sum of one hundred and seventy-four dollars and fifty cents for his mileage and services as a member of the Senate. And the Hon. William Rockhill is authorized to receive and receipt for the same from the Treasurer of State, and pay the same over to the said Mrs. Cuppy.

Jos. I. Stretcher.

SEC. 8. That Joseph I. Stretcher be allowed the sum of one hundred and thirty dollars to defray the funeral expenses of the Hon. Abraham Cuppy, and for removing his remains to his late residence in the county of Whitley.

M. Marsh, Ed.
Outland, and N.
B. Palmer.

SEC. 9. That Madison Marsh be allowed the sum of thirty dollars for medical attendance; Edward Outland be allowed the sum of nine dollars and twenty-five cents, and N. B. Palmer the sum of seven dollars for services rendered the Hon. Abraham Cuppy in his last illness.

John W. Wright.

SEC. 10. That John W. Wright be allowed the sum of thirty-six dollars as an officer of the Senate in attending the remains of the Hon. A. Cuppy to his late residence in Whitley county.

C. B. Davis.

SEC. 11. That C. B. Davis be allowed the sum of eleven dollars and sixty-three cents for stationery furnished to J. H. Fountleroy.

Chris. Parker.

SEC. 12. That Christian Parker be allowed the sum of twenty-five dollars for amount advanced by him to messenger sent to inform the family of the Hon. Abraham Cuppy of his decease.

Michael Shea.

SEC. 13. That Michael Shea be allowed two dollars per day for his services about the Governor's and library rooms, &c., during the present session.

Jonathan Brown.

SEC. 14. That Jonathan Brown be allowed the sum of nine dollars for three days services as door keeper of the House at the opening of the present session.

Principal Secre-
tary and Clerk.

SEC. 15. That the principal secretary of the Senate and the principal clerk of the House of Representatives be allowed the sum of fifty dollars each for indexing the journals of their respective branches of the present General Assembly.

Weaver & Wil-
liams.

SEC. 16. That Weaver & Williams be allowed the sum of seven dollars and seventy-five cents for repairs about the State House.

John D. Defrees.

SEC. 17. That John D. Defrees be allowed the sum of two hundred and seventy-five dollars for copies of the State Journal furnished the members of the Senate and House during the present session of the General Assembly.

J. Mansur & Son.

SEC. 18. That J. Mansur & Son be allowed the sum of two dollars and fifty-two cents for merchandize.

SEC. 19. That H. J. & B. C. Horn be allowed the sum of eight dollars and ninety-four cents for merchandize. H. J. & B. C. Horn.

SEC. 20. That David Craighead be allowed the sum of one dollar and fifty-six cents for stationery. David Craighead.

SEC. 21. That C. & J. Cox be allowed the sum of five dollars and sixty-three cents for articles furnished for use of the House. C. & J. Cox.

SEC. 22. That Noel, Browning & Co. be allowed the sum of twenty dollars and sixty-three cents for candles, &c. Noel, Browning & Co.

SEC. 23. That A. Graydon be allowed the sum of one dollar and eighty cents for one dozen candlesticks. A. Graydon.

SEC. 24. That Henry Rudisell be allowed the sum of fifty-two dollars and fifty cents for fifteen days services as commissioner to examine into the nature and amount of damages sustained by the heirs of George W. Brackenridge, deceased, on property in Franklin county, in this State. Henry Rudisell.

SEC. 25. That Henry Perry be allowed the sum of forty dollars for taking care of and keeping building in State House square during the present session. Henry Perry.

SEC. 26. That the clerks employed under an order of the House to the committee on military affairs and the joint committee on the State debt be allowed the sum of three dollars and fifty cents each for each day they may have served as such, to be certified by the speaker of the House of Representatives. Clerks to military committee.

SEC. 27. That W. S. Hubbard be allowed the sum of four dollars for making out tract book of Wabash and Erie canal lands. W. S. Hubbard.

SEC. 28. That C. B. Davis be allowed the sum of fifteen dollars and thirty-one cents for stationery furnished for the use of the House of Representatives. C. B. Davis.

SEC. 29. That E. J. Peck be allowed one dollar and twelve cents for merchandize. E. J. Peck.

SEC. 30. That John Nicholson be allowed seven dollars and eighty-one cents, John Norris fifty one dollars, Eli Harlan sixty dollars and twenty-five cents, Thomas Riley twenty-two dollars, Reuben Fratheringills five dollars and fifty cents, E. L. Taylor eighty dollars and seventy-five cents, Esther Hale ninety-four dollars and twenty-five cents, and George Lenox twenty-two dollars and fifty cents, for boarding sick volunteers at the rendezvous in New Albany, during the last summer: *Provided, however,* Said several persons mentioned in this section shall not have received the said several amounts above allowed from the general government of the Uni- For boarding volunteers.

ted States before payment thereof by the State Treasurer, who may require their affidavits to that effect, as proof such payments have not been made: *And provided further*, That if their said several accounts or any of them or any part thereof shall afterwards be allowed by the proper officers of the general government, they shall be paid into the State treasury.

Proviso.

J. P. Chapman.

SEC. 31. That J. P. Chapman be allowed sixty-three dollars for amount advanced by him to proof readers to assist in completing the printing of the laws.

N. B. Markle.

SEC. 32. That N. B. Markle be allowed seventy-five dollars for his services and expenses in going to Fort Wayne to summon witnesses in the case of George Johnson, probate judge of Allen county.

James M. Hanna.

SEC. 33. That James M. Hanna be allowed three dollars per day for each day he may have served as the executive messenger to the two branches of the General Assembly, to be computed and certified by the Governor.

L. Dunlap.

SEC. 34. That Livingston Dunlap be allowed the sum of three dollars and forty cents for postage of communications addressed to the president of the Senate and speaker of the House of Representatives, during the present session of the General Assembly.

Chapmans & Spann and H. W. DePuy.

SEC. 35. That Chapmans & Spann be allowed the sum of two hundred and ninety four dollars and fifty cents for copies of the State Sentinel furnished the members of the Senate and House during the present session of the General Assembly; and Henry W. DePuy the sum of three dollars for papers furnished members of the Senate, under the resolution of the Senate.

Francis Jennings and E. Needham.

SEC. 36. That Francis Jennings and Edgar Needham, administrators of John Needham, be allowed three dollars each for services in examining work on new State prison.

H. J. Harris.

SEC. 37. That Horatio J. Harris be allowed the sum of twenty dollars for making out a tract book for the county of Clark.

Treasurer, Auditor, and Secretary of State.

SEC. 38. That the Treasurer, Auditor, and Secretary of State each be allowed the sums of money paid by them respectively for clerk hire during the years 1844 and 1845: *Provided*, The same does not exceed the sum of one hundred dollars annually.

A. Buskirk.

SEC. 39. That Abraham Buskirk be allowed the sum of fifty dollars, as visiter of the State prison.

Charles B. Davis.

SEC. 40. That Charles B. Davis be allowed the sum of twenty-one dollars and twenty-six cents for stationery furnished the Senate during the present session.

SEC. 41. That J. Mansur & Son be allowed the sum of two dollars and twenty-five cents for merchandize furnished for the funeral of Hon. Abraham Cuppy.

SEC. 42. That David Craighead be allowed the sum of five dollars and twenty-five cents for stationery, &c., furnished during the present session for the use of the Senate.

SEC. 43. That Weaver & Williams be allowed the sum of one dollar and fifty cents for repairs done to the desks and locks in the Senate at the commencement of the present session.

SEC. 44. That William H. Hunter be allowed the sum of three dollars for cleaning and regulating clock for the Senate chamber.

SEC. 45. That E. J. Peck be allowed the sum of two dollars for four yards of black crape.

SEC. 46. That Noel, Browning & Co. be allowed the sum of fifteen dollars and fifty cents for stationery furnished the Senate during the present session.

SEC. 47. That D. V. Culley be allowed the sum of six dollars for assistance rendered in making tract book for lands granted by Congress to complete the Wabash canal, in July, 1845.

SEC. 48. That John Bright [Burkit] be allowed the sum of five dollars for a wheelbarrow for the use of the State in December, 1846.

SEC. 49. That S. J. Wade be allowed the sum of five dollars and ninety-eight cents for stationery furnished the Senate during the present session.

SEC. 50. That C. & J. Cox be allowed the sum of two dollars and twenty-five cents for two fire-fenders for stoves in the Senate chamber.

SEC. 51. That John D. Defrees be allowed the sum of twelve dollars for printing five hundred copies of a bill of the Senate.

SEC. 52. That Henry W. Barker, sheriff of Dubois county, be allowed the sum of fifteen dollars for that amount paid by him for medical services rendered to a convict while conveying him to the penitentiary.

SEC. 53. That Joseph P. Smith of Lake county be allowed the sum of one hundred and eighty-six dollars and thirty-nine cents for money expended by him in organizing the Lake County Rangers for the war with Mexico.

SEC. 54. This act to be in force from and after its passage.

CHAPTER LVIII.

An Act to change the time of holding Courts in the seventh Judicial circuit, and for other purposes.

[APPROVED JANUARY 27, 1847.]

When courts to commence.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts in the seventh judicial circuit shall be held as follows: In the county of Knox, on the third Mondays of February and August; in the county of Sullivan, on the Mondays succeeding the courts in the county of Knox; in the county of Vigo, on the Mondays succeeding the courts in the county of Sullivan; in the county of Clay on the Mondays succeeding the courts in the county of Vigo; in the county of Vermillion, on the Mondays succeeding the courts in the county of Clay; in the county of Parke, on the Mondays succeeding the courts in the county of Vermillion; and in the county of Putnam, on the Mondays succeeding the courts in the county of Parke. Said

How long to sit.

courts shall at each term thereof sit in the counties of Knox, Vermillion, Parke, and Putnam, twelve days each, if the business requires it; in the counties of Sullivan and Clay, six days each, if the business requires it; and in the county of Vigo, eighteen days, if the business requires it.

Writs, &c., when returnable, &c.

SEC. 2. That all writs, subpoenas, venires, rules, orders, recognizances, and all suits, pleas, complaints, prosecutions, actions, motions or proceedings, pending prior to the taking effect of this act shall be held to be returnable, tried and determined at the times respectively fixed by this act for the holding of the courts aforesaid. That

February term of Knox probate court changed.

the February term of the Knox probate court shall hereafter commence its session on the first Monday of February instead of the second Monday, as is now required by law.

Probate and commissioners' courts, when to be held in cases of conflict with, &c.

SEC. 3. Whenever it shall happen that the sitting of the probate court or board of commissioners, in any of the counties aforesaid, shall come in conflict with the circuit court, such probate court or board of commissioners shall be postponed until the Mondays next following the circuit court.

Acts repealed and others re-enacted.

SEC. 4. That the act entitled "An act to change the time of summoning petit jurors to appear in the circuit court for Vigo county, and for other purposes therein named," approved January 14, 1846, be and the same is hereby repealed; and all acts and parts of acts which

were repealed, altered or modified by said last mentioned act are hereby re-enacted and declared to be in full force as if said act had not been passed; and all acts and parts of acts coming within the purview of this act, be and the same are hereby repealed.

SEC. 5. That it shall be the duty of the Secretary of State to transmit a copy of this act, duly certified, to the several clerks of the circuit courts in said circuit, and to cause the same to be published in the Indiana State Sentinel and the Indiana State Journal.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAPTER LVIX.

An Act to amend an act entitled "An act fixing the time of holding the Courts in the ninth Judicial circuit," approved January 19, 1846.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit court within and for the county of Kosciusko shall hereafter be commenced and holden on the second Mondays after the time fixed for holding the courts in the county of Elkhart; in the county of Marshall, on the second Mondays after the time fixed for holding the courts in the county of Kosciusko. The said courts shall sit in each of said counties of Kosciusko and Elkhart twelve days, and in the county of Marshall six days, if the business of said counties shall severally require such time.

SEC. 2. All writs, process, and notices which may have been served or issued before the taking effect of this act, in relation to matters now pending or to be pending in any of said circuit courts, are hereby made returnable to the first day of the next term of said courts, as fixed by this act; and all suits, recognizances, motions, rules, and other proceedings which, at the time of the taking effect of this act, shall be pending in any of said courts, shall be acted upon therein in the same manner as if this act had been in force at the time they were issued, commenced, taken or instituted.

Court to determine when cases shall stand for trial.

Criminal and chancery business, &c., first in order.

SEC. 3. The court in any of the several counties in said circuit shall have power to determine on what day or days of the next subsequent term any civil suit or suits at law shall stand for trial, and to direct the clerk to subpoena the witnesses for each such case respectively, to attend said court on the day on which the same is or are so set for trial; and in the mean time, before such cases come on for trial, the court shall attend to the trial of criminal causes, to chancery business, to the making up of issues in civil suits, and to taking judgment by default or *nihil dicit*, in cases where no defence is to be made.

SEC. 4. This act shall take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to immediately forward a certified copy thereof to each of the clerks of the circuit court in the counties of Elkhart, Kosciusko, and Marshall.

CHAPTER LX.

An Act to authorize the Commissioners of the Sinking Fund to receive substitution of stock mortgages and for other purposes.

[APPROVED JANUARY 28, 1847.]

Stock mortgages may be substituted, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the commissioners of the sinking fund shall have power to substitute stock mortgages made to secure moneys advanced by the State of Indiana to individuals to pay for stock in the several branches of the State bank when applied for: *Provided*, Said commissioners shall be satisfied that by such substitution the security is not lessened.

Mortgagor paying interest reinstated.

SEC. 2. That in all cases of premises mortgaged to the sinking fund or any fund loaned by the Auditor or Treasurer of State, being sold for failure to pay interest, the mortgagor, his heirs or assigns, shall have the privilege of reinstating such mortgage within sixty days after such sale, by paying the amount of interest and costs due thereon, and the interest for one year in advance.

Extension of time applicable to principal.

SEC. 3. That any extension of the time of payment of the principal of the mortgages to the sinking fund, which has been heretofore or shall be hereafter provided by law, shall apply also to the payment of the principal

on the purchase of any mortgaged premises to such fund on credit; and that the substitution of other lands amply securing the fund for the purchase money may be received by the commissioners instead of the premises originally mortgaged and sold on credit; and conveyances shall be made accordingly; and all expenses of such substitution and conveyances shall be borne by the applicant.

Other lands substituted for mortgaged lands at cost of applicant.

SEC. 4. All acts heretofore passed contravening the provisions of this act be and the same is [are] hereby repealed.

Acts repealed.

SEC. 5. That the act entitled "An act prescribing the mode of advertising sales of lands mortgaged to the sinking fund," approved January 20, 1846, be and the same is hereby repealed: *Provided*, That it shall continue to be the duty of the sinking fund commissioners to make their annual sale of delinquent lands at Indianapolis, on the second Saturday of December of each year; and the laws in force on that subject previous to the passage of said act be and the same are hereby revived.

Acts of 1846 repealed and previous laws revived

SEC. 6. This act to be in force from and after its passage.

CHAPTER LXI.

An Act authorizing deeds in certain cases to be made.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in any case where town lots or real estate have been sold for taxes by the authority of any incorporated town in this State, which corporation has, since the selling of the same, become extinct; and the said town lots or real estate has not been redeemed within the period prescribed by the by-laws of said incorporation or the laws of this State; and where there has been no person authorized to make deeds to said lots or real estate, by the incorporation going out of existence, the county auditor or the clerk, as the case may be, of any county in this State, is hereby authorized and empowered, and it shall be his duty, whenever any person shall desire it, to execute a good and sufficient deed to any such town lots or real estate, whenever said

Who to make deeds for town lots or real estate sold for taxes.

person or persons shall present to him the certificate of any sale of said lots or real estate, whether as the purchaser or the assignee of the purchaser.

Effect of deeds.

SEC. 2. All such deeds, when so made, shall convey the legal title to any of said town lots or real estate as fully as though they had been made before said incorporation became extinct; and shall be so considered by any court of this State, saving nevertheless, all the rights and privileges to the prior owners or their heirs, which in law or equity they would have had previous to this enactment.

Irregularities in sales legalized.

SEC. 3. Any and all irregularities in the sales of any property for taxes as aforesaid, (such sales being made bona fide, and in good faith,) are hereby legalized, and the certificate of such sale acknowledging the payment of the purchase money shall be sufficient evidence of the legality of such sale.

SEC. 4. This act to be in force from and after its passage.

CHAPTER LXII.

An Act changing the time of holding the Probate Courts in the county of St. Joseph.

[APPROVED JANUARY 18, 1847.]

Beginning and duration of courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate courts within and for the county of St. Joseph in this State, shall hereafter be commenced and holden on the third Mondays of February, May, August, and November in each year, and shall sit twelve days at each term, if the business shall require it.

Writs, &c., when returnable, and action thereon.

SEC. 2. All writs, process, and notices which may have been issued or been served before the taking effect of this act, in relation to matters now pending, or to be pending in said probate court, are hereby made returnable to the first day of the next term of said court, as fixed by this act; and all suits, recognizances, motions, rules, citations, and other proceedings which, at the time of the taking effect of this act, shall be pending in said court, shall be acted upon therein in the same manner as if

this act had been in force at the time they were issued, commenced, taken or instituted.

SEC. 3. This act shall take effect and be in force from When in force. and after its publication in the Indiana State Journal and Indiana State Sentinel; and it is hereby made the duty of the Secretary of State to immediately forward a certified copy thereof to the clerk of said probate court.

CHAPTER LXIII.

An Act explanatory of the act therein named.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That nothing in the act approved 17th January, A. D. 1846, entitled "An act to authorize the trustees of the Vincennes University to bring suit against the State of Indiana, and for other purposes," shall be so construed as to prevent the State of Indiana from making any legal or equitable defence she may have (except as to the right to sue the State) to said suit in said act authorized or to any other which is now pending or may hereafter be brought by virtue of said act against the State, or to prevent the said State of Indiana from setting up any defence legal or equitable to any suit instituted by virtue of said act, which the purchasers or occupants of seminary township of lands in Gibson county, known as township number two south, of range number eleven west, might or could have set up or pleaded.

SEC. 2. *Be it further enacted*, That in any suit now pending or which may hereafter be instituted against the State by virtue of the act of the seventeenth January, 1846, the said State of Indiana may and shall have the right to plead as a defence thereto any and all legal or equitable matters of defence which the purchasers of the lands in the preamble to the act of the seventeenth January, 1846, might or could have pleaded as a defence to the suits which were pending against them.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXIV.

An Act to fix the time of holding Courts in the eighth Judicial circuit.

[APPROVED JANUARY 23, 1847.]

When courts to commence.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several courts in the eighth judicial circuit of said State shall commence as follows: In the county of Cass, on the fourth Monday in February and the second Monday in August; in the county of Miami, on the second Monday succeeding the courts in the county of Cass; in the county of Wabash, on the Mondays succeeding the courts in the county of Miami; in the county of Fulton, on the Mondays succeeding the courts in the county of Wabash; in the county of Pulaski, on the Mondays succeeding the courts in the county of Fulton; in the county of White, on the Fridays succeeding the courts in the county of Pulaski; in the county of Jasper, on the Mondays succeeding the courts in the county of White; in the county of Howard, on the Tuesdays succeeding the courts in the county of Jasper; in the county of Carroll, on the Mondays succeeding the courts in the county of Howard.

Courts how long to sit.

SEC. 2. The courts in the counties of Cass and Carroll shall sit two weeks each, if the business thereof require it; the courts in the counties of Miami and Wabash shall sit one week each, if the business require it; in the county of Fulton, five days, if the business require it; in the county of Pulaski, four days, if the business require it; in the county of White, two days; in the county of Jasper, six days, if the business require it; in the county of Howard, five days, if the business require it.

SEC. 3. All parties, witnesses, and all other persons concerned, shall take notice of this act and appear accordingly.

SEC. 4. All acts and parts of acts coming within the purview of this act be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward to each of the clerks of the several circuit courts in said circuit a certified copy of this act.

CHAPTER LXV.

An Act to authorize the formation of Voluntary Associations.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any persons may voluntarily associate themselves together and have all the powers of a corporation, for either of the following purposes: For what purposes voluntary associations may be formed.

First. To establish and maintain literary and scientific institutions.

Second. To promote knowledge and skill among the members, by the establishment of a library, lyceum, musical, agricultural, horticultural, literary or scientific associations.

Third. To supply any place with water by means of any aqueduct or otherwise.

Fourth. To organize a fire engine, hook and ladder, or hose company.

Fifth. To provide, hold, and keep in repair suitable grounds and other conveniences for the burial of the dead, or for a public walk, or common, and to ornament towns with shade trees.

Sixth. To organize masonic, odd fellows', and sons of temperance lodges, subordinate to their several grand lodges.

Seventh. To erect and maintain suitable buildings for public meetings, hotels, and such associations as may be formed under this act.

SEC. 2. Every such association shall be formed by written articles, specifying the objects of the association and the conditions on which it is formed, and subscribed by each member thereof. Associations how formed.

SEC. 3. The first meeting shall be notified, organized and holden in the manner prescribed in the articles of association. First meeting.

SEC. 4. Any such association may adopt a corporate name, either in the original articles or by a vote at the first meeting thereof, and may at any regular meeting adopt a corporate seal, and alter the same at pleasure. Corporate name and seal.

SEC. 5. Every such corporation shall give public notice of the formation, name and object, by publishing such notice three weeks successively, in some newspaper printed in the county in which such association is formed, Notice of name and object how given.

or if no paper is published in such county, then in some adjoining county; and also by posting a like notice in one or more public places in the town in which such association is formed and located; and shall also, at the expense of such corporation, record their articles of association in the recorder's office of the county in which such corporation is located.

Articles of association to be recorded.

For what purpose by-laws may be adopted.

SEC. 6. Any such corporation when organized, may adopt all such by-laws and regulations as may be thought expedient, not repugnant to the laws of this State.

First. To regulate the mode of notifying, and the times and places of holding the meetings thereof.

Second. To regulate the number of officers of the corporation, their powers and duties, and the mode of choosing them.

Third. To provide the mode of admitting and discharging members.

Fourth. To provide for the laying of assessments, and selling or forfeiting the rights or shares of members for the non-payment thereof.

Fifth. And all other by-laws and regulations necessary in promoting the objects of the association.

Privileges and liabilities of associations.

SEC. 7. Every such corporation, when organized, may sue and be sued, may appear, prosecute and defend to final judgment and execution in any court, and may purchase and hold, lease or convey real or personal estate necessary to promote the objects of the association, and which shall be devoted exclusively to such object.

Value or income of property not to exceed \$5,000.

SEC. 8. The annual value or income of the property of any such corporation shall not exceed the amount of five thousand dollars.

Money how raised.

SEC. 9. Any such corporation may raise money of its members in any manner agreed upon by the articles of association.

Shares how divided, &c.

SEC. 10. Such corporation may, by their articles of association, or by-laws, or by vote, divide their stock or corporate property into shares, and determine the terms on which, and the manner in which such shares shall be holden and conveyed.

No other estate than shares liable.

SEC. 11. When the stock or corporate property shall be so divided into shares, any such corporation at any legal meeting notified for that purpose, may raise money by assessment on the shares or rights of the members, in proportion to their several interests; and the payment of such assessments may be enforced by the sale or forfeiture of the estate of any member in such corporation, in such manner as the corporation may provide, but no other estate of such member shall be liable therefor.

SEC. 12. The clerk or secretary of every such corporation shall keep a fair record of all the proceedings of such corporation in a book provided for that purpose; and such records or copies thereof, duly authenticated by the attestation of such clerk or secretary, may be read in evidence in any court in any case where the interests of such corporation are concerned. Copies of record to be kept, &c.

SEC. 13. The books of records of the votes and proceedings of any such corporation shall be subject to the inspection of every member or stockholder, and also of the General Assembly through a special committee. Records subject to inspection, &c.

SEC. 14. The General Assembly may alter, amend or repeal the articles of association of any such corporation whenever, in their opinion, the public good shall require the same; but such alteration, amendment or repeal shall not take away or impair any remedy given for or against such corporation for any liability which shall have been previously incurred. How articles may be altered, &c., and effect thereof.

SEC. 15. This act to be in force from and after its publication.

CHAPTER LXVI.

An Act to provide for the further erection of the Hospital for the Insane, and for other purposes connected therewith.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That Livingston Dunlap, James Blake, John S. Bobbs, E. J. Peck, and Calvin Fletcher, be and are hereby appointed commissioners of the Indiana hospital for the insane, with all and singular the powers heretofore conferred upon said commissioners; said commissioners shall commence their term of service on the thirteenth day of January, 1847, and the term of service of one of said commissioners shall expire annually in the order in which they are named, and each of said commissioners shall, before entering upon the discharge of his duties, take an oath faithfully and impartially to discharge their duties as such commissioners, and in all respects conform to the laws in force for and in regard to said hospital, and in all cases of vacan-* Term of commissioner, when to commence and expire.

Oath of commissioners.

Vacancies by whom filled.

cies occurring in said board of commissioners, the same shall be filled by appointment of the Governor.

Commissioners' powers and duty.

SEC. 2. The said commissioners shall have power to appoint upon the nomination of the superintendent, a practical architect, whose duty it shall be to receive all materials for the erection of said hospital buildings; make out plans and specifications for the workmen, and supervise the mechanical erection of all work done thereon under the direction of the superintendent.

Discretionary powers of commissioners.

SEC. 3. Said commissioners are hereby authorized and empowered, if they shall deem the same expedient, to place in the hands of the superintendent, by order on the Treasurer of State, such amount of the funds provided by law for hospital purposes as they may deem necessary for the purpose of purchasing such materials for the use of said hospital as are needed, in the most advantageous market, and to pay for such incidental expenses as are necessary to be paid between the meetings of said commissioners; of all which sums said superintendent shall render at the succeeding meeting of said board, a full account of the items of expenditure, and the amount of each item, which shall be entered at length on the books of the hospital.

Duty of superintendent.

Purchases for cash and officers prohibited furnishing materials.

SEC. 4. All purchases made for the use of said hospital, shall be for cash; and no commissioner, or officer, connected with said hospital shall, either directly or indirectly, furnish any of the supplies, materials, or furniture, used in or about the same.

Grounds, &c., to be laid off by superintendent and adopted by commissioners.

SEC. 5. The superintendent shall lay off the grounds and yards around said hospital buildings, and submit the same to the commissioners for their adoption, and when so adopted, the future improvement shall be made in accordance therewith.

Commissioners' duty as to buildings.

SEC. 6. Said commissioners shall direct the roofing of said buildings to be of such materials as they may deem most advisable for such buildings, under all circumstances, connected therewith.

Duty of commissioners and Treasurer in relation to funds, &c.

SEC. 7. Said commissioners are hereby authorized to draw upon the Treasurer of State for the amount of hospital funds, provided by law, as the same is paid into the Treasury; and if in the opinion of said commissioners it is necessary, the Treasurer of State is hereby authorized to pay out of any moneys not otherwise appropriated, upon the order of said board of commissioners, the further sum of six thousand dollars, to be retained by said Treasurer out of hospital delinquencies now due, or the first revenue paid in for hospital purposes, under the assessment of 1847.

SEC. 8. Said commissioners shall report their annual proceedings, together with that of the superintendent, on or before the third day after the commencement of the session of said General Assembly. Reports of commissioners and superintendent when and where to be made.

SEC. 9. Said commissioners shall meet once in three months, and oftener if necessary, and all laws in conflict with the provisions of this section, are hereby repealed. How often commissioners to meet.

SEC. 10. This act to be in force from and after its passage.

CHAPTER LXVII.

An Act to regulate the practice in cases of impeachment.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever hereafter any charge shall be presented to the House of Representatives against any officer of this State, upon which, if true, such officer might be impeached, the House of Representatives shall have the power to authorize any justice of the peace, or any other person designated, to take down and certify all such evidence as may be adduced against such officer in support of such charge; and when such evidence is so taken down and certified by such officer, or other person, the same shall be returned to such House of Representatives, and shall thereupon be acted on in the same manner as though the same had been taken before a committee of the House. Who may take depositions and for what taken.

SEC. 2. Such notice of the time and place of taking such evidence shall be given to such officer as the House of Representatives shall direct. Notice how given.

SEC. 3. It shall be the duty of the prosecuting attorney for the county in which such officer may reside, or when such evidence may be taken, to appear for the State, and superintend the taking of such evidence, for which he shall be allowed a reasonable compensation, to be fixed by the circuit court and paid out of the county treasury. Duty of prosecuting attorneys, and how paid therefor.

SEC. 4. The county electing such officer against whom such charge shall be so presented, shall pay all costs occasioned by, or growing out of said charge. County to pay costs, &c.

CHAPTER LXVIII.

An Act to authorize the Probate Judge of Fountain county to issue writs of habeas corpus, and take acknowledgments of deeds.

[APPROVED JANUARY 22, 1847.]

Probate judge to
issue writs of
habeas corpus,
&c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter any probate judge in the county of Fountain shall have power to issue writs of *habeas corpus*, and to hear and determine all matters arising on such writs, and to have and exercise all the powers and jurisdiction in matters of *habeas corpus* in as full and ample a manner as supreme and circuit judges now have, and exercise the power of issuing writs of *habeas corpus* and hearing and determining the same.

Take acknowl-
edgment of deed,
&c.

SEC. 2. The said probate judge of said county of Fountain shall have the power to take and certify acknowledgments of deeds, and all other instruments in writing, in the same manner that circuit judges now have the power of doing.

SEC. 3. All acts and parts of acts coming within the purview of this act, be and the same are hereby repealed.

SEC. 4. That this act shall be in force from and after its passage and publication.

CHAPTER LXIX.

An Act declaratory of the powers of the President and Associate Judges to enforce injunctions in vacation.

[APPROVED JANUARY 27, 1847.]

WHEREAS, Doubts have arisen whether sections one hundred and twenty-seven and one hundred and twenty-eight, of chapter forty-six, of the Revised Statutes of 1843, authorize the granting of attachments in vacation, for breaches of injunctions, except in cases of waste, as prescribed in sections one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven and one hundred and forty-eight of said chapter: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That upon the breach of any injunction duly granted, whether restraining or requiring the performance of any act, by any person, after service of notice of such injunction, it shall be lawful for the president judge alone, or the two associate judges together, in vacation of the circuit court by which or by the judge or judges whereof, such injunction shall have been awarded upon motion and affidavit setting forth such breach of such injunction, to award an attachment for contempt against the person or persons charged with such breach, to be issued to the sheriff of any county in which the person or persons so charged may reside, or be found and made returnable before the judge or judges awarding the same, upon which the like proceedings shall be had as in cases of attachment for contempt, for breach of injunction to stay waste, as prescribed in said sections one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, and one hundred and forty-eight.

For breach of
injunction presi-
dent or associate
judges may issue
attachment in va-
cation, to whom
issued—proceed-
ings thereon, &c.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXX.

An Act to provide for the improvement of County Libraries.

[APPROVED JANUARY 27, 1847.]

WHEREAS, Provision is made by law for establishing libraries in the several counties in this State: AND WHEREAS, In some of said counties the funds set apart for that purpose are exhausted, and no means are provided for keeping said libraries in repair or for making suitable additions thereto: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business in the several counties in this State, be hereby authorized to make an annual appropriation in any sum not exceeding twenty-five dollars in any one year; which sum so appropriated shall be drawn from the treasurer of said county, and shall, under the direction of the trus-

tees of said library, be applied to the repairing and gradual increase of said libraries.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXI.

An Act the better to keep members of the General Assembly from abandoning their seats and breaking a quorum.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall not be lawful for the Treasurer of State to pay to any member of the General Assembly, before the final adjournment of the same, a greater amount than one half of the per diem to which such member may be entitled as Senator or Representative; and that in case a member of either House shall (without leave being first had and obtained from the body of which he is a member) abandon his seat as Senator or Representative before such day of final adjournment, he shall forfeit one half of his per diem, to be applied to the benefit of common schools.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXII.

An Act relating to the Probate Court in Allen county.

[APPROVED JANUARY 2, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the second section of an act entitled "An act for the extension of the time of holding the probate courts in the county of Allen, and for other purposes," approved January 13th, 1845, which allows additional compensation to the probate judge of Allen

Second section
and part of another
act repealed.

county, to be paid out of the county treasury. And so much of an act entitled "An act changing the time of holding the probate courts in Allen county, and for other purposes therein named," as extends the session of said court to three weeks at each term, and as authorizes the probate judge of said county to issue writs of *habeas corpus* and to hear and determine the same, shall be and the same are hereby repealed.

SEC. 2. That the probate court of Allen county shall hereafter be allowed to sit two weeks, if the business thereof shall require it, and no longer. Probate court how long to sit.

SEC. 3. This act to take effect and be in force from and after its passage; and the Secretary of State shall immediately forward a copy thereof to the clerk of the Allen circuit court, who shall forthwith file the same in his office. Duty of Secretary and clerk.

CHAPTER LXXIII.

An Act to provide for the holding of special terms of the Circuit Court in the county of Jefferson.

[APPROVED JANUARY 22, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in addition to the regular terms of the circuit court in the county of Jefferson the judges thereof shall hold two special terms of said court, if the business, in the discretion of the judges of said court, shall require it, for the purpose of hearing, trying, and determining chancery cases, and for the purpose of making up issues, and trying questions of law in all such civil cases as may be pending in said court; and said judges shall give notice of their intention to hold any such special term by having notices of such intention entered upon the records of said circuit court at the regular term next preceding either of the times herein-after fixed for the holding of such special terms; which special terms of said court shall be holden on the second Monday in July and on the second Monday in December in each year, and shall sit for one week at each of said special terms, if the business thereof shall require it. Duty of judges. Courts when to be holden and how long to sit.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXIV.

An Act to authorize Clerks of Circuit Courts to issue writs to other counties in certain cases.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That in all local actions it shall be the duty of the clerk of any circuit court in this State to issue process to the sheriff or other proper office of any other county, on the application of the plaintiff or his attorney.*

SEC. 2. *It shall be the duty of the officer to whom such process shall be directed to serve the same and make return thereof to the court from which it was issued, and if it is returned executed, the plaintiff may proceed as in other cases.*

SEC. 3. *This act to be in force from and after its passage.*

CHAPTER LXXV.

An Act to refund to the several Branches of the State Bank of Indiana, the amounts advanced by them to aid in transporting the volunteers to New Albany.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the Auditor of State to ascertain the several amounts due the different branch banks, to defray expenses of volunteers, and upon being satisfied of the correctness of the amounts claimed, to audit and record the same, and the amount when so audited, shall be paid by the Treasurer of State out of any moneys in the treasury not otherwise appropriated.*

SEC. 2. *This act to take effect and be in force from and after its passage.*

CHAPTER LXXVI.

An Act to give additional time to the Probate Court in Monroe County.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That there be an additional week given to the probate court of Monroe county at its February, May, and August terms in 1847.*

SEC. 2. *This act to be in force from and after its passage.*

CHAPTER LXXVII.

An Act relative to allowances to Guardians.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be the duty of the court in which the guardianship of any estate may be pending, on the application of the guardian of such estate, to make such allowances from time to time as said court may think reasonable and just, for the duties required of said guardian.*

SEC. 2. *This act to be in force from and after its passage.*

CHAPTER LXXVIII.

An Act to prevent County Treasurers and other officers from purchasing certain real estate.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall not be lawful for any county auditor, or county treasurer, or any officer of any*

of the trust funds of this State, to purchase any lands sold for delinquent taxes either in person or by another.

SEC. 2. This act to take effect and be in force from and after its passage and publication in the Indiana Journal and Indiana State Sentinel.

CHAPTER LXXIX.

An Act to give to married women the power to make wills, and to repeal section nine, of chapter thirty, of the Revised Statutes of 1843.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That married women may devise, by a last will and testament, their lands, tenements and hereditaments, or any interest therein descendible to their heirs.

SEC. 2. Section nine, of chapter thirty of the Revised Statutes of 1843, is hereby repealed.

CHAPTER LXXX.

An Act to amend the eighth section of an act regulating the fees and salaries of the several persons therein named, approved February 7, 1831.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That recorders and county surveyors are hereby authorized to issue fee bills for fees due their predecessors in office, in the same manner as if the fees were due them in their own right.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXI.

An Act changing the time of holding Courts in the eleventh Judicial Circuit.

[APPROVED JANUARY 18, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts in the county of Randolph shall hereafter commence on the fourth Mondays in February and August, instead of the last Mondays, and the courts in the other counties in the eleventh judicial circuit, shall be holden on the Mondays succeeding each other, as now provided by law; Delaware county commencing its session on the Mondays succeeding the Randolph court, and so on throughout the other counties of said circuit; each court shall continue its session the same length of time as now provided by law, and all writs shall be made returnable as if no change whatever had been made.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXII.

An Act to extend the privileges of the State Library to the Benevolent Institutions of the State.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the privileges of the State Library shall be extended to the trustees and officers of the State lunatic asylum, and the institutions for the deaf and dumb and the blind.

SEC. 2. This act shall take effect from and after its passage.

CHAPTER LXXXIII.

An Act to change the time of holding the Probate Court at the August term, in Greene county.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time for holding the probate court in Greene county at the August term, shall be changed from the first to the second Monday in August.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER LXXXIV.

An Act to vest the title to land in the heirs, devisees, or assignees of the purchasers of lands in certain cases where said purchaser has died or shall hereafter die before the date of the patent or deed of conveyance.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases where patents or deeds of conveyance for lands have been or may hereafter be issued or made in pursuance of any law or laws of the State of Indiana by the proper authority, by such law or laws thereunto empowered to a person who has died or who shall hereafter die before the date of such patent or deed, the title to the land designated therein shall enure to and become vested in the heirs, devisees, or assignees of such deceased patentee or grantee in the same manner as if the patent or deed had issued to such deceased person in his lifetime.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER LXXXV.

An Act extending the time for holding the several terms of the Probate Court of Vanderburgh county.

[APPROVED JANUARY 14, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall hereafter be lawful for the probate court of Vanderburgh county, at any term thereof, to continue in session for two weeks if the business of said court shall require the same.

SEC. 2. This act shall be deemed and taken to be a public act, and shall be in force from and after its passage.

CHAPTER LXXXVI.

An Act relative to assignment of dower, and to amend article third, chapter forty-five, of the Revised Statutes of 1843.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall not be necessary for any widow in applying for the assignment of dower, to make demand thereof of any infant before making such application, but the averment and proof of the infancy of any defendant thereto, shall be sufficient excuse for not making such demand.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXVII.

An Act to authorize the Probate Judges of the counties of Decatur, Dearborn, Fountain, and Laporte, to grant writs of habeas corpus.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That from and after the passage of this act it shall and may be lawful for the probate judges of the counties of Decatur, Dearborn, Fountain, and Laporte, in all cases where the same may be proper and necessary, to grant writs of habeas corpus, and to hear and adjudicate thereon according to the laws in force at this time, any law to the contrary notwithstanding.*

SEC. 2. *This act to take effect and be in force from and after its passage.*

CHAPTER LXXXVIII.

An Act declaring the meaning of the one hundred and forty-third and one hundred and forty-fifth sections of chapter forty of the Revised Acts of 1843.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the rights to assign breaches in any replication as given by the one hundred and forty-fifth section of chapter forty of the revised acts of 1843, only relates to bonds for the payment of money, as excepted in the one hundred and forty-third section of said chapter, and that upon all other bonds, contracts, or agreements in writing, the party seeking to recover any penal sum upon the same, in any court of law of this State, shall assign the specific breaches in his declaration, and this is hereby declared to be the meaning of the aforesaid section: *Provided*, That this explanation shall not be retrospective in its action, or have any bearing whatever on cases that have already been commenced or tried.*

SEC. 2. *This act to be in force from and after its passage.*

CHAPTER LXXXIX.

An Act to amend the provisions of the thirty-seventh chapter of the Revised Code.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That in addition to the causes of appeal allowed to the supreme court by the provisions of section seventy, of the first article of chapter thirty-seven, an appeal may be taken to the supreme court from any order, decree, or overruling any motion to dissolve an injunction.* Appeal from order, decree, &c.

SEC. 2. *When any injunction shall be granted in vacation, an appeal may be taken to the supreme court at any time during the term of the probate or circuit court next ensuing after the granting any such injunction in vacation, subject to the provisions regulating appeals to the supreme court in other cases.* When appeals may be taken, &c.

SEC. 3. *Either party to a writ of habeas corpus may sue out of the supreme court a writ of error to the court or judge trying the same, upon any final judgment and determination thereof, in the same manner as writs of error may now be issued to the several circuit courts; and the court or judge shall sign and seal all proper bills of exceptions which may be tendered during the progress of such trial.* Habeas corpus, writ of error—proceedings thereon.

CHAPTER XC.

An Act amendatory to the thirtieth chapter of the Revised Statutes of 1843.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That all that part of chapter thirty of the revised statutes of 1843, be and the same is hereby repealed, so far as the same requires inventories of personal and real estate to be made and done in the presence of administrators, executors, and guardians, who are not residents of the State of Indiana.* Manner of making inventories changed.

Agent or attorney may make inventories, &c.

SEC. 2. All inventories and appraisements now required by law to be made and done, and all other acts and proceedings, by the laws of this State, now enjoined upon any administrator, executor, or guardian, or any administrators, executors, or guardians, who are not residents of this State, shall and may hereafter be done and performed by agent or attorney, in the same manner and to the same extent as though the said administrator, executor, or guardian could or would do if personally present.

SEC. 3. This act to take effect and be in force from and after the first day of February next.

CHAPTER XCI.

An Act relative to the Probate Court of Fayette county.

[APPROVED DECEMBER 30, 1846.]

Probate court how long to sit.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter there shall be four terms of the probate court of Fayette county in each year, to be holden on the third Mondays in February, May, August, and November, and the court shall continue in session each term so long as the business may require.

SEC. 2. This shall be in force from and after the next February term of said court, in said county; and the Secretary of State shall cause a duly authenticated copy thereof to be immediately filed in the office of the clerk of said court.

CHAPTER XCII.

An Act to authorize County Auditors to sell lands at private sale which have been bid in for the use of the School Fund.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any lands that may have been or shall be bid in for the use of the proper school fund by any county auditor, as provided in the fifty-fifth section of chapter thirteen of the Revised Statutes of 1843, and now remaining or hereafter remaining unsold, may be sold by the proper county auditor at private sale: *Provided,* He can thereby secure to the proper school fund the amount due said fund, for which said land is liable, together with all arrearages of interest, costs and expenses attending the same.

SEC. 2. If at any time any county auditor shall find that he cannot sell the land as provided in the first section of this act, he shall thereupon [so] inform the trustees of the proper township to which said fund belongs; and said trustees shall (if they deem it advantageous to the school fund) have the said land re-appraised, for which re-appraisal the proper county auditor may sell the said land as provided in the first section of this act.

SEC. 3. In the re-appraisal of any land as provided in the second section of this act, the township trustees shall select three discreet householders of their township who shall, before making such appraisal, take an oath before some justice of the peace that they will, well and truly, without partiality, re-appraise the said land; and such appraisers shall, after they have re-appraised the same, file such re-appraisal with the trustees of the township, who shall thereupon file the same with the county auditor.

SEC. 4. The county auditor or auditors in selling any land as herein provided shall be governed in all respects by this act and the acts now in force on this subject. All acts and parts of acts coming in conflict with this act are hereby amended.

SEC. 5. That all real estate which has been heretofore or which may hereafter be bid in by any county auditor on any mortgage or judgment in favor of the surplus revenue fund shall be sold by the proper county auditor, which sale shall be conditioned as follows:

How notice of sale to be given.

First. At least thirty days notice shall be given by posting up notices thereof in three of the most public places in the township where such land may be situated, and at the court house door, and by publication in a newspaper, if any be published in such county.

Sale where and when made.

Second. Such sale shall be made at the court house door between the hours of ten o'clock, A. M. and four o'clock, P. M., and may be adjourned from day to day until completed.

Lands not to be sold for less than debt, &c., if mortgaged to certain fund.

If not mortgaged, auditor how to proceed.

Third. Such land shall not be sold for a less sum than the aggregate amount of debt, interest, costs, and damages chargeable against the same if the same has been mortgaged to said fund; and if the same was not mortgaged, then said county auditor shall cause the same to be appraised by two disinterested freeholders of the proper county, and such land shall not be sold by the county auditor for a less sum than two-thirds of such appraised value.

Sale on ten years credit, terms thereof.

Sec. 6. Such land shall be sold on a credit of ten years, the purchaser paying one-fourth of the purchase money in hand, and seven per cent. interest for the residue for one year in advance, and the residue in ten years with like interest annually in advance.

Duty of auditors, and by what acts governed.

Sec. 7. The different county auditors, in regard to all other disposition of said lands, and in regard to all forfeitures, re-sales, redemption, private sales, record of sales, certificate of purchase, payment of purchase money, execution of deeds and record thereof, and in all other duties, shall be governed by so much of the thirteenth article of chapter thirteen, of the Revised Statutes of 1843, as is contained from section one hundred and seventy-nine thereof to section one hundred and ninety-seven, both inclusive, which is hereby declared to be a part of this act, except so far as the same comes in conflict with the fifth, sixth, and seventh sections of this act.

Sec. 8. This act to take effect and be in force from and after its passage.

CHAPTER XCIII.

An Act to amend the practice in the Probate Court.

[APPROVED JANUARY 28, 1847.]

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the two hundred and seventy-first section of the thirteenth chapter of the Revised Statutes of 1843, be and the same is hereby repealed.

The 271st section of 30th chapter of the Revised Statutes of 1843, repealed.

SEC. 2. That in all conveyances, assignments, or transfers ordered by any of the probate courts of this State, it shall not be necessary to set forth at large the order of such court directing any sale of real estate, or the order confirming the same, or the order directing such conveyance, assignment, or transfer, but succinct statement of such orders shall be sufficient; nor shall it be necessary to spread any such conveyance, assignment, or transfer upon the order book of such court: *Provided, however,* That the same shall be entered at length upon the final record.

A succinct statement of orders, &c., sufficient, conveyances, &c., not to be spread on order book, but to be entered on final record.

SEC. 3. In all cases of partition of real estate now pending or that may hereafter be commenced in any of the courts of this State, whenever a report is made to such court, that the lands described in such proceedings, or any part thereof, are not susceptible of partition, and the court shall order the same to be sold, it shall be lawful for such court to appoint some suitable person as commissioner to make such sale and conveyance, and shall allow to such commissioner a reasonable compensation for his services, to be taxed with the costs of such proceedings.

Manner of proceeding on applications for partition of real estate.

SEC. 4. That it shall be the duty of the several clerks of the probate courts of this State to receive, keep, and on demand, pay over to the proper person or persons entitled thereto, any and all moneys in the hands of any executor or administrator on any partial or final settlement, belonging to the heirs or legatees or distributees of any decedent.

Duty of clerks in relation to the money of heirs, &c.

SEC. 5. That all the sales heretofore made by executors in strict conformity with the provisions of any will, be and the same are hereby confirmed and made valid.

Sales heretofore made by executors confirmed, &c.

SEC. 6. This act shall be in force from and after its passage; and all laws conflicting with the provisions herein contained are hereby repealed.

CHAPTER XCIV.

An Act to amend the fifteenth chapter of the Revised Statutes.

[APPROVED JANUARY 26, 1847.]

Qualifications of teachers, how ascertained, what certificates void, and when.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That no person shall be employed as a teacher of a district school, unless he is a person of good moral character, nor shall any person be paid as aforesaid, unless he shall produce a certificate of the county examiner or examiners that he is qualified to teach orthography, reading, writing, arithmetic, English grammar, and geography: *Provided, however,* That a knowledge of English grammar and geography shall not be required, if a majority of the voters of any regularly called meeting of such school district shall so determine: and all certificates of qualifications which may be granted under the provisions of this act, shall be void after the expiration of one year from the date thereof, and all certificates as aforesaid which may have been granted before the taking effect of this act, shall be void on the first day of September, 1847.

Duty of township clerks.

SEC. 2. It shall be the duty of the township clerk to file with the county auditor on the third Monday of February annually, a list of the number of school districts in his township, the length of time a school has been taught in each, with the average daily attendance during the previous year.

Duty of county auditor.

SEC. 3. The county auditor shall make an abstract from the reports provided for in the preceding section, and report the same to the general superintendent of common schools on or before the first Monday in May annually.

What schools shall be open to children over 5 and under 25 years of age.

SEC. 4. When any school is supported in any degree by the public school funds or by taxation, such school shall be open to all the white children resident in the district, over five, and under twenty-one years of age.

How school to be supported.

SEC. 5. If the public school funds and the taxes that may have been collected for that purpose shall not be sufficient to pay for the term for which a school has been taught, the residue, if not raised by voluntary subscription, shall be paid by those sending to school, in proportion to the number of scholars respectively sent by each.

Majority a quorum, certificate of one examiner

SEC. 6. A majority of township and district trustees shall constitute a quorum to do business, and the certifi-

cate of any one of the examiners of common school teachers shall be sufficient evidence of the qualifications of such person. sufficient evidence of qualification of teacher.

SEC. 7. The distribution of any of the school funds which may heretofore have been made on account of any school taught by any person having a certificate of qualifications, signed by one or more of the examiners of common school teachers, be and the same is hereby legalized. Distribution of school funds legalized.

SEC. 8. The township clerk is hereby authorized to administer the oath of office to any district trustee, clerk or treasurer, of his township. Township clerk to administer oaths, &c.

SEC. 9. The decision of the county auditor shall be final in all cases of appeal that may be taken under the sixth article of the fifteenth chapter of the Revised Statutes. Auditor's decision final, in what cases.

SEC. 10. No school district shall forfeit its share of the school funds for any cause whatever, and the same, if not demanded by such district, shall be returned by the township treasurer to the school commissioner, and be by him loaned out as other similar funds for one year at a time, for the benefit of such district, till the same is demanded by such district, through their township treasurer. Forfeited funds, how disposed of.

SEC. 11. If any person elected or appointed to the office of examiner of common school teachers, trustee, clerk, or treasurer of any congressional township, or school district, shall fail or refuse to qualify and serve as such officer, or having qualified, shall fail or refuse to discharge any of the duties of his office which are now or may hereafter be required of him by law, such person or officer so offending, for every such offence, shall be liable in an action of debt to any person suing therefor in the name of the school commissioner or other officer of the proper county having charge of the surplus revenue, in such sum, not exceeding three dollars, as any justice of the peace of the proper township trying the same may deem reasonable, which sum when collected, shall be paid over by such justice to the school commissioner or officer having charge of the surplus revenue as aforesaid, for the benefit of common schools, to be distributed in the same manner as the interest of the surplus revenue. Fines for neglect of duty, how collected and disposed of.

SEC. 12. Sections ninety-four, one hundred and two, one hundred and five, and one hundred and thirty-five, of chapter fifteen, of the Revised Statutes, and all other acts or parts of acts contravening the provisions of this act be and the same are hereby repealed. Certain sections of chapter 15, Revised Statutes, and other acts repealed.

SEC. 13. This act shall take effect from and after its passage.

CHAPTER XCV.

An Act to provide for the punishment of seduction.

[APPROVED JANUARY 23, 1847.]

Seduction indictable.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the seduction of any female of good repute, under the age of twenty-one years, with illicit connexion under promise of marriage, is hereby declared to be, and made an indictable offence.

Punishment for seduction, how far discretionary with jury, &c.

SEC. 2. Any person who shall be convicted of the offence of seduction as aforesaid in any circuit court of this State, shall pay a fine not exceeding five thousand dollars, at the discretion of the jury, and be imprisoned at hard labor in the State prison for not less than one, nor more than three years: *Provided*, That in lieu of the imprisonment in the State prison, the jury, in their discretion, if the circumstances of the case are mitigated, may, instead of such imprisonment, substitute imprisonment in the proper county jail, for any period not less than ninety days, nor more than twelve months, as to them shall seem right: *Provided further*, That the promise of marriage shall not be deemed established, unless the testimony of the female seduced is corroborated by other evidence, either strongly circumstantial or positive.

CHAPTER XCVI.

An Act to repeal "An Act more effectually to enable supervisors to open and keep in repair public highways."

[APPROVED JANUARY 27, 1847.]

Act of 1845, repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That "An Act more effectually to enable supervisors to open and keep in repair public highways," approved January 13, 1845, be and the same is hereby repealed.

Boards to fix amount of road tax, and when, &c.

SEC. 2. That hereafter it shall be the duty of the board doing county business in the several counties of this State, (which have not special laws for opening and repairing their roads,) at their June session annually, to

fix the amount of road tax for the current year from the assessment of real and personal property for the then present year.

SEC. 3. And it is hereby made the duty of the county auditor of such counties, in making out the tax duplicate for 1847, and annually thereafter, to charge the road tax upon the assessment of the current year, as fixed by the county board, and make out and have ready for delivery to the several supervisors, by the first day of June annually, a list of all persons in their respective districts charged with a road tax, and the amount of the same.

Duty of county auditors.

SEC. 4. Section one hundred and five, chapter sixteen, of the Revised Statutes of 1843, is hereby so amended, that the names specified in said section shall be made out for the several supervisors within one month after the tax shall be so assessed; all laws contravening this act are hereby repealed.

List of supervisors, when to be made out.

SEC. 5. This act to be in force from and after its passage.

CHAPTER XCVII.

An Act for the relief of County Treasurers.

[APPROVED JANUARY 26, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever it shall appear to the board doing county business in any of the counties in this State, that by reason of erroneous charges on the tax duplicate or from any other cause, the treasurer of such county has paid and accounted to said board for more money than was justly due from him on account of county revenue, said board doing county business shall direct the auditor to credit said treasurer with the sum or sums thus improperly paid, and order the same to be refunded from the county treasury.

Boards may correct errors in settlement with treasurers.

SEC. 2. Whenever similar improper or erroneous payments have been made by any county treasurer, to the State treasury, the board doing county business shall direct the auditor to certify said improper or erroneous payments to the Auditor of State, under his seal of office, who shall audit and allow the same as a claim against

Errors in settlements with State and county treasurer, how collected.

the treasury, and the treasurer shall pay the same out of any moneys not otherwise appropriated.

SEC. 3. The provisions of this act shall extend to persons who have been, as well as to them who are now, and shall hereafter be, county treasurers.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XCVIII.

An Act defining the duties of State Agent.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the Agent of State to sell in the course of the present year, at public auction or private sale, (first giving in case of public sale six weeks public notice of the time or times and place or places of sale, by advertisement in one or more of the public newspapers published in the city of New York,) all the property, real and personal, belonging to the State of Indiana, which has been obtained on account of the suspended debt, for the best price the same will bring.

SEC. 2. In case the act providing for the funded debt of the State and for the completion of the Wabash and Erie Canal shall go into effect, it shall be lawful for the Agent of State to employ such assistance in taking and cancelling the bonds that may be surrendered, and issuing certificates therefor, as may be required in the performance of that duty.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XCIX.

An Act to change the time of holding the February Term of the Probate Court in the county of Johnson.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the February term of the Johnson probate court, in the year eighteen hundred and forty-eight, and thereafter, shall commence and be holden (as provided by law) on the first Monday of February annually.

SEC. 2. All laws contravening this act are hereby repealed.

CHAPTER C.

An Act to authorize the Superintendent of the New Albany and Vincennes road to rebuild bridges that have washed away on said road, and for other purposes.

[APPROVED JANUARY 27, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the superintendent of the New Albany and Vincennes road be, and he is hereby authorized to rebuild and repair any bridge or bridges on said road that may be washed away or damaged, or that may hereafter be washed away or damaged, to enable the superintendent to rebuild or repair the same, he is hereby authorized to use any funds that may come into his hands for tolls on said road: *Provided,* That the funds heretofore appropriated by law to the payment of certificates issued in relation to said road shall not be used for the purposes contemplated by this act: *Provided further,* That nothing in this act contained shall be so construed as to, in any way, affect the priority of payment of a certain note, interest, and call, mentioned in the eighth section of an act entitled "An act to amend the several acts now in force relative to the New Albany and Vincennes road," approved January 19, 1846.

SEC. 2. The superintendent in the exercise of the

Bridges to be rebuilt and repaired, &c.

above duties, shall have regard to the strictest economy, and shall let the same upon the best terms he can, having due regard to its speedy execution, so that the travel on said road be obstructed, for the shortest possible time.

Rates of toll from
15th November
until the 15th
April, east of Pa-
oli, to-wit:

SEC. 3. That from and after the fifteenth day of November until the fifteenth day of April in each and every year, the following rates of toll shall be charged and collected on said road east of Paoli, viz: for every distance of ten miles, and for any shorter distance in proportion thereto, for every score of hogs or sheep, ten cents; for every score of cattle, twenty cents; for every score of horses or mules, led or drove, twenty-five cents; for every horse and rider, five cents; For every sled or sleigh drawn by one horse or mule, ten cents; for each additional animal drawing the same, five cents; for every dearborn, sulkey, chaise, or buggy, drawn by one horse, fifteen cents; for each chariot, coach, coachee, barouche, stage, or other vehicle, drawn by two horses, twenty cents; for each stage or coach drawn by four horses, thirty cents; for each cart or wagon loaded and drawn by one horse, mule, ox, or ass, ten cents; for each empty cart or wagon, drawn by one horse, mule, ox, or ass, five cents; for each empty cart or wagon, drawn by two horses, mules, asses or oxen, ten cents; for each loaded cart or wagon, drawn by two horses, mules, asses, or oxen, fifteen cents; for each loaded cart or wagon, drawn by three horses, mules, asses, or oxen, twenty cents; for each empty cart or wagon, drawn by three horses, oxen, mules, or asses, fifteen cents; for each loaded wagon or cart, drawn by four horses, mules, asses, or oxen, twenty-five cents; for each empty wagon or cart, drawn by four horses, mules, asses, or oxen, fifteen cents; for each loaded wagon or cart, drawn by five horses, mules, asses, or oxen, thirty cents; for each empty wagon or cart drawn by five horses, mules, asses, or oxen, fifteen cents; for each loaded wagon or cart drawn by six horses, mules, asses, or oxen, thirty cents; for each empty wagon or cart drawn by six horses, mules, asses, or oxen, fifteen cents.

Rates of toll from
15th April until
15th November,
east of Paoli, to-
wit:

SEC. 4. That from after the fifteenth day of April until the fifteenth day of November in each and every year, there shall be charged and collected on said road east of Paoli, the following rates of toll on each ten miles distance, and for every shorter distance in proportion thereto, viz: For every score of hogs or sheep, five cents; for every score of cattle, ten cents; for every score of horses or mules, led or drove, twenty cents; for every horse and rider, five cents; for every sled or sleigh

drawn by one horse or mule, ten cents; for each additional animal drawing the same, two cents; for each dearborn, sulkey, chaise, or buggy drawn by one horse, ten cents; for each chariot, coach, coachee, barouche, stage, or other vehicle drawn by two horses, twelve and one half cents; for each stage or coach drawn by four horses, twenty cents; for each wagon or cart loaded and drawn by one horse, mule, or ass, ten cents; for each empty wagon or cart drawn by one horse, mule, or ass, five cents; for each loaded wagon or cart drawn by two horses, mules, asses, or oxen, ten cents; for each empty wagon or cart drawn by two horses, mules, asses, or oxen, five cents; for each loaded wagon or cart drawn by three horses, mules, asses, or oxen, eighteen and three fourth cents; for each empty wagon or cart drawn by three horses, mules, asses or oxen, five cents; for each loaded wagon or cart drawn by four horses, mules, asses, or oxen, eighteen and three fourth cents; for each empty wagon or cart drawn by four horses, mules, asses, or oxen, ten cents; for each loaded wagon or cart drawn by five horses, mules, asses, or oxen, twenty cents; for each empty wagon or cart drawn by five horses, mules, asses, or oxen, twelve and a half cents; for each loaded wagon or cart drawn by six horses, mules, asses, or oxen, twenty-five cents; for each empty wagon or cart drawn by six horses, mules, asses, or oxen, fifteen cents.

SEC. 5. In all cases of vehicles of any kind or animals not specified in the two last mentioned sections passing on said road, such vehicles or animals shall pay tolls at the same rates that are above provided for vehicles and animals the nearest in resemblance thereto, in the reasonable discretion of the person whose duty it may be to take said tolls.

For vehicles and
animals not spec-
ified same rates.

SEC. 6. So much of the act entitled "An act to amend the several acts now in force relative to the New Albany and Vincennes road," approved January 19th, 1846, as authorizes tolls to be collected on said road west of Paoli, is hereby repealed.

Law relative to
tolls west of Pao-
li repealed.

SEC. 7. That from and after the taking effect of this act, the superintendent of said road shall expend annually the sum of two thousand dollars in repairs on said road between New Albany and Paoli, exclusive of the amount which may be expended in making and repairing bridges.

Amount of annu-
al appropriation
on road.

SEC. 8. In expending the amount appropriated by the last section, the superintendent shall let all the repairs to be made, by contract, where the same is susceptible of measurement, and where it is not susceptible of

Manner of con-
tracting for re-
pairs.

measurement, he shall employ laborers by the day or otherwise, as shall be most advantageous to the State.

SEC. 9. This act to be in force from and after its passage.

CHAPTER CI.

An Act authorizing the Governor of this State to order a special election for Representatives in Congress in certain cases.

[APPROVED JANUARY 14, 1847.]

In what cases elections may be ordered.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Governor of this State be, and he is hereby authorized to issue his proclamation ordering a special election to be holden in the several congressional districts in this State, at the usual places of holding elections therein, on such day as he may appoint, for the purpose of electing representatives for the State of Indiana, in any meeting of the Congress of the United States which may be called by the President thereof, at any time between the expiration of any Congress and the first Monday in August next ensuing; and the Governor shall cause to be issued writs of election to the sheriffs of the several counties in each congressional district for that purpose.

Elections how conducted, &c.

SEC. 2. Such elections shall be held and conducted and returns thereof made, and certificates of election given, in all respects as provided by the laws now in force upon the subject of congressional elections; and the persons chosen at such elections shall be, to all intents and purposes, the representatives of this State, in the next succeeding Congress, for the full term thereof.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CII.

An Act relative to executions.

[APPROVED JANUARY 28, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That when any execution defendant shall fail or refuse to deliver any personal property taken in execution at the time and place stated in any delivery bond, it shall be the duty of the officer, if required by any security in such bond, at any time before the return day of the execution, to take possession of such property, if the same can be found in his county, by virtue of the execution, and sell the same, and no new delivery bond shall be taken in such case, and the sureties in such bond after the retaking of such property by the officer, shall only be liable to the plaintiff in execution for the damages actually sustained by him in consequence of the non-delivery of the property, in pursuance of the terms of the condition of the bond exclusive of the value of the property.

Property not delivered, may be retaken and sold; sureties' liability what.

SEC. 2. Such officer so taking possession of such property, as in the preceding section provided, shall be allowed the same fees for mileage and such taking of the property as upon the original levy and service of such; in the sale of such property he shall proceed in the same manner and be governed by the same provisions, (except as hereinafter provided,) and be allowed the same fees as in other sales on like executions.

Officers' fees for retaking and sale, how to sell, &c.

SEC. 3. If any personal property taken in execution for the delivery of which a bond shall have been taken, shall be present at the time and place stated in the condition of such bond for the sale thereof, it shall be the duty of the officer to seize upon and sell the same, notwithstanding the execution defendant may fail or refuse to deliver the same, and it shall in all cases be the duty of the officer selling any personal property, upon the payment of the purchase money, to deliver the actual possession of the property sold to the purchaser.

If property present, &c., to be sold, &c., officer to deliver possession, &c.

SEC. 4. An execution in the hands of the officer may be levied after the death of the execution defendant, upon the personal property upon which such execution was a lien in the life time of the execution defendant, and the officer may sell the same, as if the defendant was living: *Provided,* Such levy and sale shall in no case be made to the prejudice of the claim of the widow

When levy and sale may be made after death of execution defendant, widow protected, &c.

of the deceased defendant, to the amount of personal property allowed her absolutely by law.

Lien not discharged by forfeiture of bond, or return of execution; plaintiff's option, &c.

SEC. 5. The lien of an execution shall not be discharged by the forfeiture of a delivery bond, or by the return of the execution with such bond, but it shall be optional with the plaintiff in execution to proceed by a new execution, or upon such bond, for the satisfaction of his judgment, from time to time, until the same be satisfied, and no second delivery bond shall be taken in such case.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CIII.

An Act supplementary to article fifth, chapter thirty, Revised Statutes.

[APPROVED JANUARY 27, 1847.]

\$50 appropriated to agricultural board, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of fifty dollars be, and the same is hereby appropriated to the Indiana State Board of Agriculture, for the purpose of defraying the expenses necessarily incurred in carrying out the provisions of the act under which they are constituted.

Board to distribute seeds, &c., to county societies, &c.

SEC. 2. That the State Board of Agriculture be, and hereby is authorized to receive from the commissioner of the patent office at Washington, or other officer having charge of the same, and to distribute to the county agricultural societies, such seeds, plants, reports, &c., as shall be apportioned to the State of Indiana.

Auditor to audit and treasurer to pay to president of society monies, &c.

SEC. 3. The Auditor of State is hereby authorized to audit and issue his warrant upon the State treasury, payable to the president of the Indiana State Board of Agriculture, for all sums authorized to be paid by the provisions of this act; and the State Board is hereby required in their annual report, (Revised Statutes, chapter 25, article 5, section 13,) to exhibit the number of county agricultural societies, and the name of each, which shall avail themselves of the provisions of this act.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CIV.

An Act to provide for a special session of the probate court of Hamilton county.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judge of the probate court of the county of Hamilton be, and he is hereby authorized and directed to hold a special session of said court, to commence on the first Monday of January, in the year eighteen hundred and forty-seven, and continue as long as the business herein provided to be performed shall require it, for the purpose of passing any order or orders which may be necessary and proper, as connected with the administration of the estate of Bicknel Cole, late of said county, deceased.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CV.

An Act extending the time of holding the probate court in the county of Fountain.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of Fountain county shall hereafter, at each term thereof, hold its session nine days, if the business thereof require it.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CVI.

An Act to repeal certain special laws in force in the eleventh judicial circuit.

[APPROVED JANUARY 23, 1847.]

Act of 1846 repealed except, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act, entitled "An act to amend the law regulating the practice of courts in the eleventh judicial circuit," approved January 19, 1846, be, and the same is hereby repealed, excepting in the counties of Blackford and Jay.

Special laws in 11th circuit, except in the counties of, &c., relating to grand and petit jurors repealed, &c., general law adopted.

SEC. 2. That all special laws now in force in any of the counties composing the eleventh judicial circuit, with the exception aforesaid, to-wit, in the counties of Randolph, Delaware, Madison, Tipton, and Grant, in relation to the selection and empanelling of grand and petit jurors, and the subpoenaing of witnesses, which regulate the manner of their selection, the number to be selected, or the length of time they are to serve, and when subpoenaed to appear, be, and the same are hereby repealed, so far as they relate to said counties of Randolph, Delaware, Madison, Tipton, and Grant. And the general laws of the State of Indiana regulating the manner of selecting grand and petit jurors, the number to be selected, and the length of time they are to serve, and when subpoenaed to appear, are hereby declared to be in full force in said last mentioned counties.

Board at March term may select petit jurors, &c.

SEC. 3. In each of said last mentioned counties in which petit jurors have not been selected for the spring term of the circuit court, in the year eighteen hundred and forty-seven, the several boards doing county business at their March term, in the year eighteen hundred and forty-seven, shall select petit jurors for said spring term in the manner prescribed by the general laws of the State.

SEC. 4. This act to take effect and be in force from and after its passage; and the Secretary of State shall cause it to be published forthwith in the Indiana State Sentinel, and a copy of it to be forwarded to each clerk's office in the counties aforesaid.

CHAPTER CVII.

An Act to legalize the adjournment of the Decatur circuit court, at the fall term, 1846.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the proceedings of the Decatur circuit court, at the fall term of said court, 1846, adjourning said court over to the fourth Monday in January, 1847, be, and the same are hereby legalized, and held to have the same force and legal effect that said adjournment would have if said adjournment had been made at the end of the time allotted by law for said court to sit at said term. Proceedings legalized, &c.

SEC. 2. The judges of said court shall have the same right and power to hold said court on the fourth Monday of January, 1847, in pursuance of said adjournment, that they would have if said adjournment had been made at the end of the time allotted by law for the sitting of said court at said fall term. Power of judges to hold court.

SEC. 3. The judges, in holding said adjourned court, shall in all respects be governed by the provisions of an act entitled "An act extending the time of holding courts in the sixth judicial circuit," approved January the 19th, 1846, so far as the same are applicable. Law governed by.

SEC. 4. Should it so happen, through mistake or otherwise, that the regular panel of the petit jury should not be in attendance at said adjourned court, the sheriff of said county may summon and empanel a jury or juries for the trial of any cause, in such way and manner as said court may direct, reserving to the parties the same right of challenge that now exists by law. Jury how to be empanelled.

SEC. 5. This act to be in force from and after its passage, and the filing of a certified copy of the same in the office of the clerk of said court.

CHAPTER CVIII.

An Act to enable widows to avail themselves of the law allowing them one hundred and fifty dollars of their husbands' effects.

[APPROVED JANUARY 27, 1847.]

In what event
administrator is
discharged, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when letters of administration may be granted, it shall be lawful (after the administrator or administratrix shall have had the personal property of the deceased valued and appraised as now provided by law, if said property, including choses in action, shall not be worth more than one hundred and fifty dollars,) for such administrator or administratrix to make their report of said appraisement to the proper probate court, and thereupon the administrator or administratrix shall be discharged from any further administration.

Rights and
authority of
widows.

SEC. 2. Upon such discharge as above provided, the widow shall have the right to take to herself the one hundred and fifty dollars' worth of property as aforesaid, and should any portion of it consist of choses in action, she is hereby authorized to collect the same by suit or otherwise, in her own proper name, subject, however, to all legal offsets which the party from whom she looks to recover may have against her deceased husband.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CIX.

An Act to vacate offices when officers become insane.

[APPROVED JANUARY 23, 1847.]

For what cause
offices deemed
vacant, and how
filled.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if any person holding any office under the constitution and laws of this State shall, while holding the same, become insane, and so found by inquisition, as is provided in the ninth article of chapter

forty-six of the Revised Statutes of 1843, that the said office so held shall be deemed vacant, as though said officer was dead; and such vacancy shall be filled as by law provided.

SEC. 2. Should the circuit or probate courts not be in session at the happening of such insanity, then it shall be lawful for either of the judges of said courts, upon application to them and satisfactory information given, to award a writ to the sheriff, as provided in the one hundred and sixty-seventh section, of chapter forty-six, and the same proceedings shall be had thereon as therein provided; and if the said person be found insane, said office shall be considered vacant, and filled as above provided.

Duty of judges
in the vacation
of their courts
in cases of
insanity, &c.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CX.

An Act providing for a special term of the Madison circuit court.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be held a special term of the Madison circuit court, to commence on the first Monday in January, in the year eighteen hundred and forty-seven, and to continue so long as the business herein provided for may require, for the purpose of trying or otherwise disposing of the cause of Edward Cox, now confined in the common jail of said county of Madison.

Court, when to
convene, and
how long to
continue.

SEC. 2. It shall be the duty of the clerk of said court to issue a venire for fifteen reputable householders or freeholders of said county of Madison, to serve as a grand jury at such special term, which venire may be issued and served at any time before the first day of said term, and in case the jurors so summoned, or any of them, should fail to attend at such term, or be rendered incapable to serve on said jury from any cause whatever, the court aforesaid may direct the sheriff of said county of Madison to summon from among the by-standers a suffi-

Duty of clerk
and court in re-
lation to jurors,
&c.

cient number of persons to make up said jury, or supply any deficiency therein.

Sheriff to select by-standers as petit jurors, &c.
SEC. 3. It shall be lawful for said court at such special term to direct the sheriff or other officer acting as such sheriff of said county, to select from among the by-standers a sufficient number of reputable householders or freeholders of the county aforesaid, to serve as a petit jury during the said term, or until duly discharged by said court.

Defendant's rights defined.
SEC. 4. The said Edward Cox shall be entitled to process to compel the attendance of such witnesses as may be considered by him necessary for his defence, at any time after the passage of this act and before the termination of his cause; and it is hereby made the duty of the clerk of such court to issue such process upon application therefor.

Duty of secretary and clerk.
SEC. 5. This act shall be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward a certified copy thereof to the clerk of the Madison circuit court, whose duty it shall be, so soon as such copy is received by him, to file the same in his office, and to notify said Edward Cox thereof.

CHAPTER CXI.

An Act to enable executors and administrators to settle estates.

[APPROVED JANUARY 28, 1847.]

Executor or administrator may bid in property, and sell the same at private sale.
SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any debt that may be due and owing to any executor or administrator, collectable under the valuation and appraisement laws of this State, for which an execution shall have been issued or may hereafter be issued, and property levied on by virtue of the same, the executor or administrator may bid in the same, if it shall be deemed advantageous to the estate, and said executor or administrator shall dispose of the same in such manner as will be most beneficial to the estate.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXII.

An Act to authorize the judge of the probate court of Shelby county to take the acknowledgement of deeds and other instruments of writing, and also to grant and try writs of habeas corpus.

[APPROVED JANUARY 27, 1847.]

Judge authorized to take acknowledgments of deeds, &c., and grant writs of habeas corpus.
SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the judge of the probate court in the county of Shelby be and he is hereby authorized to take acknowledgments of deeds and other instruments of writing, and that he have the same power to grant and try writs of habeas corpus as is granted to judges of the circuit court.

Effect of acknowledgments, and compensation therefor.
SEC. 2. That all acknowledgments of deeds and other instruments of writing taken hereafter before the judge of said probate court, shall have the same force and effect as if the same had been taken before any other officer duly authorized by law to take such acknowledgments; and for taking such acknowledgments the said judge shall be allowed the same fees as are or may be allowed to other officers for similar services.

Proceedings on writs of habeas corpus, and compensation for services.
SEC. 3. That in granting and trying writs of habeas corpus the said judge shall be governed by the same rules and regulations as prescribed by law for the granting and trying said writs by judges of the circuit court; and he shall be allowed, while engaged in the trial of such writs, the same compensation as is allowed judges of the circuit court for similar services, and shall be paid in the same manner.

Additional per diem allowance of one dollar.
SEC. 4. The said judge, while employed in holding probate courts, shall be allowed, in addition to the compensation now allowed him by law, the further sum of one dollar per day for each and every day while so employed, which additional compensation of one dollar per day shall be paid out of the county treasury of said county of Shelby.

SEC. 5. This act shall take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to transmit a certified copy of this act to the clerk of the circuit court in said county.

CHAPTER CXIII.

An Act to require certain Statutes to be published in some newspaper at Indianapolis, and for other purposes.

[APPROVED JANUARY 20, 1846.]

Duty of Secretary in relation to printing certain acts, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Secretary of State to cause all statutes of a general and public nature passed at the present or any future session of the General Assembly, which contain a provision that the same shall be in force from and after their passage, to be published as soon as practicable after their approval by the Governor, in some public newspaper printed and published at Indianapolis: *Provided*, Said Secretary can procure said statutes to be published at a cost not exceeding twenty cents for a square of two hundred and fifty ems.

Editors to forward acts by mail, &c.

SEC. 2. The proprietor of the newspaper in which said statutes may be published shall forward by mail a copy of each newspaper in which any such statute or statutes may be published, to each of the clerks of the several circuit courts of this State, and said newspapers shall be filed by said clerks in their respective offices, there to remain open to the public inspection.

Clerks to make a record on order book of the time of receiving acts, &c.

SEC. 3. When the acts and joint resolutions of the present or any future session of the General Assembly shall be distributed by authority of the Legislature, it shall be the duty of the clerks of the several circuit courts to make a record in the order book of the circuit court of the day and date of the reception in their respective offices of each volume of such acts and joint resolutions, and such reception shall be deemed and taken as the time and publication of such acts and joint resolutions within said county, and said record and certified copies thereof shall be prima facie evidence of the time of the reception of such acts and joint resolutions in such county.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER CXIV.

An Act to provide for the erection of a Monument on the Tippecanoe Battle Ground.

[APPROVED JANUARY 19, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fund created by the provisions of this act, shall be known and designated as the "Tippecanoe Monumental Fund."

SEC. 2. That the several county auditors of this State are hereby required to procure a book for their respective offices, in which they shall keep a correct account of all moneys by them received from time to time, as subscriptions and donations on account of said fund, together with the name of each person so subscribing, and the amount so subscribed.

Duty of county auditors.

SEC. 3. That it shall be the duty of each auditor as aforesaid to report to the State treasurer, on or before the last Monday in October in each and every year, the amount by him received, with the name of each subscriber, and pay such amount to the State treasurer: *Provided*, That each auditor may retain from the amount so received the sum of three per centum for his services under the provisions of this act.

Reports to State Treasurer, when to be made, auditor's compensation.

SEC. 4. The amount received at the end of each and every year as aforesaid, shall be paid into the State treasury, and credited on the books of the treasurer of State to said fund; and the State of Indiana shall be charged with interest on the same at the rate of six per centum per annum, until said fund shall be used for the erection of said monument, the amount of which interest shall each and every year, on or before the annual report of the State treasurer, be placed to the credit of said fund on the books of said office.

Amount received, how disposed of; State to pay interest, &c.

SEC. 5. It shall be the duty of the State treasurer, in his annual report, to state the situation of said fund, specifying the amount annually received from each county.

Duty of State Treasurer in his annual report.

SEC. 6. Said fund shall at all times be under the supervision and control of the General Assembly; and when a sufficient sum has been accumulated, they shall proceed to erect a monument on said ground worthy of a nation's pride and gratitude.

Fund under control of General Assembly, &c.

Commissioners of Tippecanoe county to have control of ground, &c.

SEC. 7. The board of commissioners of Tippecanoe county shall have full control of said ground, to preserve the growing timber thereon, and to make and keep in repair all necessary fences and enclosures, at the expense of said county.

Punishment for trespass on said ground, &c.

SEC. 8. Any person who shall be guilty of trespassing on said ground, either by cutting or destroying the timber thereon, or by breaking or injuring the fences and enclosures thereof, or otherwise, shall, upon conviction thereof by presentment or indictment in the proper circuit court, be fined in any sum not less than ten nor more than two hundred dollars.

Act, when in force; duty of Secretary.

SEC. 9. This act to be in force from and after its passage, and shall be published in the "State Sentinel," and "State Journal," at Indianapolis; and the Secretary of State is hereby directed to furnish a copy of this act to the several county auditors in this State.

CHAPTER CXV.

An Act to amend an act entitled "An act declaratory of the meaning of the twenty-ninth section of the third article of the thirty-first chapter of the Revised Statutes of 1843."

[APPROVED JANUARY 26, 1847.]

An act declaratory, &c. repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the second section of an act declaratory of the meaning of the twenty-ninth section of the third article of the thirty-first chapter of the Revised Statutes of 1843, be, and the same is hereby repealed.

What acts repealed.

SEC. 2. All acts or parts of acts coming within the purview of this act be, and the same are hereby repealed; and this act shall take effect and be in force from and after its passage.

CHAPTER CXVI.

An Act to change the time of holding the circuit court in the county of Wells, and for other purposes.

[APPROVED DECEMBER 30, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the circuit court in the county of Wells shall commence on the Tuesday next succeeding the day now fixed by law for the commencement of the circuit court in said county.

Court when to commence.

SEC. 2. All writs, subpoenas, venires, rules, orders of court, recognizances, and all suits, pleas, actions, or motions pending, prior to the taking effect of this act, shall be returnable, taken up and acted on at the time of such court, under this act, and be disposed of in the same manner as if no alteration had been made in the time of holding such court.

Writs, &c., when returnable and acted on.

SEC. 3. That the second section of an act relating to the third judicial circuit, and the several provisions of an act extending the time of holding courts in the sixth judicial circuit, approved January 19, 1846, shall be, and the same are hereby extended to the twelfth judicial circuit.

Second section of act relating to 3d circuit, and the provisions of act extending the time, &c. to 6th circuit, extended to 12th circuit.

SEC. 4. This act to take effect and be in force from and after its passage, and it shall be the duty of the Secretary of State to forward a copy of this act to the clerk of the Wells circuit court.

CHAPTER CXVII.

An Act concerning the practice of the circuit court in the thirteenth judicial circuit, and repealing an act providing for a special term in Decatur county.

[APPROVED JANUARY 23, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for the judge of the circuit court in the thirteenth judicial circuit to order and direct the summoning of grand and petit jurors and witnesses to be for any day of their terms, subse-

Powers and direction of court in relation to jurors' rules and business thereof.

quent to the first day, and may establish such rules and regulations respecting the arrangement of causes on the docket for trial, the making of issues and other business, as shall be needful to prevent the unnecessary attendance of suitors, witnesses, and jurors.

Act of Dec. 30, 1846, in relation to a special term of the Decatur court suspended.

SEC. 2. That an act entitled "An act to legalize the adjournment of the Decatur circuit court at the fall term of 1846," passed at the present session, and approved December 30th, 1846, be, and the same is hereby suspended, and the special term of said Decatur circuit court as in said act provided for shall not be held, but is hereby postponed until the next term of said court, and it is hereby made the duty of the Secretary of State forthwith to forward a certified copy of this act to the clerk of the Decatur circuit court.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXVIII.

An Act to correct a mistake in the enrolling and publishing an act to amend the several acts now in force relative to the New Albany and Vincennes road, approved January 19, 1846.

[APPROVED JANUARY 21, 1847.]

Mistake in section 13 defined.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in the enrolling and publishing of said act a mistake was committed in this, to wit: the thirteenth section of said act was enrolled and printed as follows: "SEC. 13. It shall be the duty of the superintendent to complete the location of said road to Vincennes during the year eighteen hundred and forty-six, the expenses of which, except for the superintendent's own labor, at the expense of the county of Knox, so far as it runs in said county of Knox, and so far as it is yet to be located in Daviess county, at the expense of the said county of Daviess." When in fact said thirteenth section was enacted and passed as follows, viz: "SEC. 13. It shall be the duty of the superintendent to complete the location of said road to Vincennes during the year eighteen hundred and forty-six, the expenses of which, except the superintendent's own labor, to be paid out of the tolls received on any portion of said road."

SEC. 2. That said section thirteen of said act be taken and continued as having been enrolled and published, as it was enacted and passed as hereinbefore set forth, and that said section have full force and effect accordingly, from the time of the taking effect of said act.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXIX.

An Act providing for the payment of damages assessed for private property taken for public use in the construction of the Wabash and Erie canal.

[APPROVED JANUARY 4, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of the general superintendent of the Wabash and Erie Canal, in all cases where damages have been assessed for private property taken for public use in the construction of the Wabash and Erie Canal, to certify the same to the Auditor of State, who shall draw on the Treasurer of State for the several sums so as aforesaid assessed in favor of the respective persons entitled thereto. And it is hereby made the duty of the Treasurer of State to pay the same out of any money in the treasury received or which may hereafter be received for tolls and water rents on said Wabash and Erie Canal, either east or west of Tippecanoe.

Duty of superintendent, auditor, and treasurer, in relation to damages.

SEC. 2. That whenever assessments of damages caused by the conversion of private property to public use in the construction of said canal, have been made with a view to their payment in canal scrip, the superintendent of said canal is hereby authorized to cause the same to be re-assessed before the amount of such damages shall, under the provisions of this act, be paid or payable in par funds.

Damages assessed in scrip, to be reassessed before payment in par funds.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXX.

An Act declaring a certain act therein named to be in force.

[APPROVED JANUARY 25, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That an act entitled "An act giving validity to certain contracts," approved February 13, 1834, be and the same is hereby declared to be in full force as to all contracts hereafter made.*

SEC. 2. *This act to take effect and be in force from and after its publication in the "Indiana State Journal."*

CHAPTER CXXI.

An Act fixing the time of holding the terms of the Probate Courts in the county of Marion.

[APPROVED JANUARY 21, 1847.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That hereafter the several terms of the probate court of the county of Marion shall be commenced and holden at the times following, to-wit: On the third Monday in February, second Monday in April, last Monday in May, second Monday in August, first Monday in October, and the second Monday in December, in each year, and shall, if the business thereof require it, sit one week at each of the February, May, and October terms, and two weeks at each of the April, August, and December terms.*

SEC. 2. *All process shall be returnable to the terms hereby fixed, and parties shall appear accordingly; and all laws now in force conflicting with the provisions of this act are hereby repealed: This act to be in force from and after its publication in the "Indiana State Sentinel," and the "Indiana State Journal;" and it is hereby made the duty of the Secretary of State forthwith to cause such publication to be made, and forward a copy thereof to the office of the clerk of said court.*

Courts, when to commence, and how long to sit.

Process, when returnable, and parties appear accordingly.

When to be in force.

CHAPTER CXXII.

An Act to amend an act entitled "An act for the relief [of] purchasers of canal lands;" Approved January 19, 1846.

[APPROVED DECEMBER 28, 1846.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana, That the time fixed in the above recited act for the sale of forfeited canal lands shall be changed from the first Monday in January to the first Monday in October, in each year, and that the sale advertised to take place on the first Monday in January next, be and the same is hereby postponed until the first Monday in October, 1847.*

SEC. 2. *That it shall be lawful for the owner of any forfeited canal lands, at any time prior to the day of sale, by paying up all arrears of interest, together with ten per cent. penalty thereon, and the costs of advertising the same for sale, if any, to place his land upon the same footing, and have the same credit on the balance of the principal due the State, as if the interest had been promptly paid when it became due.*

SEC. 3. *All lands, the interest upon which became due prior to the first day of October, 1846, and remained unpaid at that time, shall be considered forfeited, and shall be offered for sale on the first Monday of October, 1847; and all lands, the interest upon which shall become due prior to the first day of October, 1847, and shall remain unpaid on that day, shall be considered forfeited, and shall be offered for sale on the [first] Monday of October, 1848, and so of all future years; all lands shall be considered forfeited and offered for sale on the first Monday of October, in each year, the interest upon which was due and unpaid on the first day of October next preceding: *Provided, however,* That a sale may be prevented by a compliance with the provisions of the second section of this act.*

SEC. 4. *Such of the canal lands as were classified prior to having been sold, shall be continued in the same class and at the same rate, and shall not be sold at a less price than the minimum fixed by the law under which they were originally sold, unless they shall be appraised at a less sum. Those lands which were not classified before having been sold, shall be by the general superintendent or other officer having charge of the sale, divided into three classes: Those lands placed in the*

Time of forfeiture extended.

Forfeiture avoided by payment of interest and ten per cent.

What land forfeited and offered for sale, and how sale prevented.

Proceedings in classifying, appraising, and selling lands.

first class shall not be sold at a less price than three dollars and fifty cents per acre; those lands placed in the second class shall not be sold for less than two dollars and fifty cents per acre; and those in the third class at not less than one dollar and fifty cents per acre; and in no case shall any be sold for a less sum in the aggregate than the amount due the State for principal, interest, penalties, and the costs of advertising.

How sale to be conducted, and when land may be purchased.

SEC. 5. The sale shall in all cases be continued from day to day, until each tract has been offered for sale, and any tract or tracts that may remain unsold at such public sale, shall be liable to be purchased at private entry by any person applying for the same, on the same terms and at the same price they were offered at public sale.

Terms of sale, and effect of failure to pay either principal or interest.

SEC. 6. The terms of the sale shall be one half of the purchase money and one year's interest in advance on the sum to be paid, on the day of sale, and the remaining half of the purchase money in five years thereafter, with six per cent. interest, payable annually in advance; and on failure to pay either principal or interest at the time both or either become due, or within sixty days thereafter, the contract of sale shall be void, and all payments of principal and interest forfeited to the State; and the State may proceed to dispose of said lands in the same manner as if no such sale had ever been made.

On what terms former owner may redeem land, &c.

SEC. 7. It shall be lawful for the former owner of any tract or tracts of canal land that may hereafter be sold under the provisions of this act, to redeem the same at any time within two years after the same may have been sold, by depositing in the land office where the same may have been sold the amount paid by the second purchaser, together with fifty per cent. interest thereon; and such deposit shall entitle the former owner to all the rights the subsequent purchaser may have acquired by his purchase, and the certificates of purchase given at the sale of any forfeited canal lands shall contain a clause giving the right of redemption contemplated by this section.

Duty of superintendent, &c.

SEC. 8. It shall be the duty of the general superintendent, or other officer having charge of the land office, to advertise the sale of all forfeited canal lands at least four weeks prior to the day of sale, in two newspapers published in the town of Indianapolis, and three others in the neighborhood of where the lands lie; said advertisement shall specify the number of the former certificates, the description of the land, section, township, and ranges, and the number of acres in each tract.

SEC. 9. That in all cases where any tract of forfeited land shall sell for more than the amount due the State for principal, interest, penalties, and costs of advertising, such excess shall be refunded to the holder or owner of the original certificate, upon his surrendering the same when final payment shall have been made by the subsequent purchaser.

Owner to receive excess on sale, &c.

SEC. 10. That the term "final payment" where it occurs in section twenty-five of an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie canal to Evansville," approved January 19, 1846, shall be understood to mean all deferred payments of principal.

The term "final payment" defined.

SEC. 11. All laws and parts of laws conflicting in any way with the provisions of this act be and the same are hereby repealed.

Acts conflicting repealed.

SEC. 12. This act to take effect and be in force from and after its passage.

JOINT RESOLUTIONS

PASSED AT THE THIRTY-FIRST SESSION OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA.

CHAPTER I.

A Joint Resolution praying the confirmation of the selection of lands made in 1843, to aid in extending the Wabash and Erie Canal from the mouth of Tippecanoe river to Terre Haute.

[APPROVED JANUARY 27, 1847.]

WHEREAS, The agents appointed by the Governor of this State, in 1843, to select lands under the grant made by Congress in February, 1841, to aid in extending the Wabash and Erie canal west of Tippecanoe river, selected thirty-five thousand three hundred and nineteen and fifty-two hundredths acres, and also a number of acres making the difference between what the State was entitled to by a straight line of said canal and the actual line run, with its meandering, making in all upwards of sixty thousand acres, which said selections were returned to the General Land Office. AND WHEREAS, The acting commissioner of the General Land Office has refused to recognize the selection first named aforesaid, but says nothing about the latter, on the ground that said lands were not subject to private entry, when it is known that the first selection made by Indiana was defeated, (as regards the first named quantity aforesaid,) by pre-emptions, private entries, and Indian reservations; and when it is known that the selection last named as aforesaid, was neglected to be made by the State in her first selections, though equally entitled thereto, and that by

such delay the better lands were sold by the United States. AND WHEREAS, It would now subject the State to much inconvenience and expense, and might conflict with her financial arrangements to have to make a new selection; together with the fact that such selection at this day would have to be made from refuse lands, the government having sold and parted with the rest, when, if the State had made her selection at the time she had a right to make it, that selection would have been made from the finest body of lands in the west, lying immediately on the margin of said canal. AND WHEREAS, In view of the above facts, it is no more than sheer justice to the State of Indiana that she should, with reference to the lands selected as aforesaid, have her said selections ratified and confirmed. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to advocate the immediate passage of a law by Congress, authorizing and directing the commissioner of the General Land Office to confirm the selections of lands made as aforesaid, to wit, in 1843, notwithstanding said lands may not have been subject to private entry, as intimated in the communication of the acting commissioner of the General Land Office to Governor Whitcomb, under date of September 7th, 1846.

Be it further resolved, That his excellency, the Governor, be requested to transmit immediately, copies of this joint resolution to each of our senators and representatives in Congress; and also a copy to the commissioner of the General Land Office.

CHAPTER II.

A Joint Resolution relative to the duties of the Superintendent of the Central Canal.

[APPROVED JANUARY 18, 1847.]

WHEREAS, There is a considerable amount of iron, stone, and other materials belonging to the State of Indiana, along the line of said canal, which was furnished for

the construction of the same, and which, for want of some person to take care of the same, is being wasted and destroyed. For remedy whereof,

Be it resolved by the General Assembly of the State of Indiana, That it is hereby made the duty of the superintendent of the Central Canal to collect and take charge of all materials belonging to the State along the line of said canal, and to dispose of the same at such time and manner as shall be prescribed therefor, by the Auditor, Treasurer, and Secretary of State; whenever, in their opinion, the interest of the State may require it.

This joint resolution to take effect and be in force from and after its passage.

CHAPTER III.

A Joint Resolution relative to the removal of the remains of the late Hon. Tilghman A. Howard.

[APPROVED JANUARY 26, 1847.]

WHEREAS, The late Tilghman A. Howard died in the Republic of Texas, in the year 1844, whilst in discharge of the duties of the office of charge d' affaires for the United States, to that republic. AND WHEREAS, his remains were interred in Texas, and it being the desire of the people of Indiana that his remains should rest in this State. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That his excellency, the Governor, be requested to make arrangements with Brigadier General Lane of the Indiana volunteers, to have the remains of the late Hon. Tilghman A. Howard removed from their present place of burial in Texas, and re-interred in this State, at whatever place his family shall desire.

And be it further resolved, That the Governor be authorized to draw upon the State treasury for such sums of money as may be necessary to carry into effect the objects of this joint resolution.

CHAPTER IV.

A Joint Resolution authorizing the printing of certain acts with the laws of this session.

[APPROVED JANUARY 27, 1847.]

WHEREAS, At the last session of this General Assembly the following act was passed, to wit: an act for the erection of a monument on the Tippecanoe battle ground, which by some neglect was not published in either the public or private acts of last session. AND WHEREAS, At the last session of this General Assembly an act was passed entitled "An act to adjust the water power now used by James S. Hogeland," which said last named act did not receive the approval of his excellency, the Governor, at said session, nor was the same returned by him at the present session, as required by the constitution, in consequence whereof it has now become a law. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That the Secretary of State be, and he is hereby authorized and directed to publish in the laws of this session the following acts, to wit: an act for the erection of a monument on the Tippecanoe battle ground, and an act to adjust the water power now used by James S. Hogeland.

This joint resolution shall be in force from and after its passage.

CHAPTER V.

A Joint Resolution relative to the public lands in the county of Gibson.

[APPROVED JANUARY 21, 1847.]

WHEREAS, It has been represented to this General Assembly, by a large number of the citizens of Gibson county in this State, that the General Government of the United States owns a large tract of land in the southwestern part of said Gibson county, subject to

sale in the Vincennes land district, located in township one (1) south, of range eleven (11) west, also in the same number of township south, in range twelve (12) west, also in township three (3) south, in range twelve (12) west, also in township two (2) south, in range thirteen (13) west, also in township three (3) south, in range thirteen (13) west, and in township three (3) south, in range fourteen (14) west, consisting of about fifty (50) sections which have been a long time in market without being purchased, and is at present valueless, owing to the overflowing of waters, which are obstructed by the high banks of the Wabash river from finding a passage into that river. AND WHEREAS, It has been further represented to this General Assembly by the citizens of said Gibson county, that a proper improvement of certain roads laid out across the said tract of Congress land, leading from Mount Carmel, in Illinois, by Owensville, to Evansville, in Indiana, and thence to Owensboro' and Henderson, in Kentucky, by throwing up the earth, cutting through obstructions, and ditching, thereby making a free and sufficient passage for the waters which now almost constantly overflow said land and roads, into the Wabash river, would not only be of great importance and benefit in health and convenience of travel to a large portion of the citizens of Kentucky, Illinois, and Indiana, but would also redound to the interest of the General Government by being the means of reclaiming and making desirable to settlers, said Congress land, which if so reclaimed, would be fertile and valuable. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That the senators of this State in Congress be instructed, and the representatives of this State in Congress be requested to promote the passage of a law by Congress, giving and granting to the board of county commissioners of the said county of Gibson, who have by the laws of this State the care and superintendence of roads in said county, the one half of the above mentioned tract of land, in trust, for the purpose of draining and reclaiming it, and making and improving such roads across the same, as may be deemed most effectual for that purpose, and of public advantage.

And be it further resolved, That the Governor be requested to cause a copy of this joint resolution to be forwarded to each senator and representative in Congress from this State.

CHAPTER VI.

A Joint Resolution in regard to the Indiana Hospital for the Insane, the Institution for the Education of the Blind, and the Asylum for the Deaf and Dumb.

[APPROVED JANUARY 28, 1847.]

WHEREAS, The State of Indiana, in her present embarrassed condition, has nobly stood forth and established a hospital for the insane, which will shortly be finished, and has now in successful operation an asylum in which the deaf and dumb of the State are being educated, and has also provided for the establishment of an institution for the education of the blind, at the present session of the General Assembly, all of which are supported by a direct revenue collected from a generous and benevolent people. AND WHEREAS, Also, it is confidently believed that the Congress of the United States will cheerfully assist the State in the maintenance of those benevolent institutions. AND WHEREAS, Grants of the public lands have been made for similar purposes to the States of Connecticut and Kentucky. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives respectfully requested, to procure for the State of Indiana, in trust, for each of said institutions, a donation of fifty thousand acres of the public lands in this State, subject to entry, to be selected under the direction of the Governor of this State.

Be it further resolved, That his excellency, the Governor, be requested to forward to each of our senators and representatives a copy of this resolution.

CHAPTER VII.

A Joint Resolution relative to International Literary Exchanges.

[APPROVED JANUARY 27, 1847.]

WHEREAS, By a joint resolution of the General Assembly, approved January 15, 1844, a system of international literary exchanges was authorized on the part of this State with the government of France and several public institutions in the city of Paris. AND WHEREAS, The directors of the British Museum have, through duly commissioned agents, expressed their desire to procure by purchase or exchange, copies of the public archives of the State of Indiana, so far as may be practicable. AND WHEREAS, The General Assembly is desirous of reciprocating and extending international literary exchanges by every appropriate means. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That the Secretary of State be, and he is hereby authorized and directed to prepare, from the public archives, in a suitable and durable manner, five sets of all private and public laws, resolves, and legislative documents, published under the authority of the State; also, five copies of Blackford's Reports, the report of the State geologist, and the History of Indiana, so far as consistent with the laws regulating the number of copies to be kept by the State Librarian, and forward the same to the directors of the British Museum, to be by them distributed in such manner as will best subserve the interests of the system now sought to be promoted; each set to be accompanied with a duly attested copy of this joint resolution. And the Secretary of State is hereby directed to forward annually, as above mentioned, all private and public laws and legislative documents, until otherwise ordered by the Legislature; and all expenses necessary to carry into effect this resolution and the joint resolution relative to international exchanges, approved January 15, 1844, are hereby ordered to be paid out of any moneys in the treasury not otherwise appropriated, and shall be audited thereto by the Auditor of State.

CHAPTER VIII.

A Joint Resolution for the reduction of the price of public lands to actual settlers.

[APPROVED JANUARY 22, 1847.]

WHEREAS, It is the opinion of this General Assembly of the State of Indiana, That there is no measure that could be consummated that would ensure a greater quantity of good to a greater number of people, than to place within the reach of every citizen of the United States a home. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to endeavor to procure the passage of a law by Congress, securing to each and every citizen, being a *bona fide* resident, a pre-emption to one quarter section of land for one year, at the expiration of which time, granting the fee simple thereof to such *bona fide* occupant, or if he be dead, to his widow and children, upon proof by disinterested testimony, of such occupation, and that such occupant has cultivated the same after the manner of good husbandmen: *Provided*, That after any person shall have become the owner of one quarter section by such settlement or occupation, and shall sell the same, they shall not be entitled to become the owner of any second tract by settlement.

And be it further resolved, That his excellency, the Governor, be directed to transmit a copy of the foregoing resolution to each of our delegates in Congress, immediately after its passage.

CHAPTER IX.

A Joint Resolution in regard to the Hospital for the Insane.

[APPROVED JANUARY 23, 1847.]

Be it resolved by the General Assembly of the State of Indiana, That the commissioners and superintendent of the Indiana Hospital for the Insane be appointed to digest and prepare a complete system of laws in relation to the safe keeping and management of insane persons, and for the government of the hospital for the insane; and that they be requested to report the same to the next General Assembly.

CHAPTER X.

A Joint Resolution relative to the Public Printing.

[APPROVED JANUARY 27, 1847.]

Be it resolved by the General Assembly of the State of Indiana, That the term "copies," in the fifteenth section of the second article and sixth chapter of the Revised Statutes of 1843, was intended, and shall be construed to refer to and mean the acts, joint resolutions and memorials, from which the enrolments of the same are made. And the Secretary of State shall, as soon as practicable, after the printing shall have been completed therefrom, deliver them unimpaired to the State Librarian.

That twenty days, in addition to the time now allowed by law, in which to complete the public printing is hereby allowed for that purpose.

This joint resolution shall be in force from its passage.

CHAPTER XI.

A Joint Resolution in relation to pre-emptors on the Miami National Reservation in the State of Indiana.

[APPROVED JANUARY 14, 1847.]

WHEREAS, In the opinion of this General Assembly of the State of Indiana, justice, equity, and sound policy alike require, that equal justice should be dealt out by the government of the United States to all citizens thereof. AND WHEREAS, In the opinion of this General Assembly, injustice has been done to the settlers on the Miami National Reservation, by the act of Congress extending the provisions of the pre-emption laws of the United States to such settlers, in requiring them to pay two dollars per acre for their land in order to avail themselves of the benefit of such pre-emption laws, while the general laws of the United States grant the right of pre-emption to settlers in other portions of the public domain equally valuable, at one dollar and twenty-five cents per acre. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the passage of an act of Congress reducing the price at which pre-emption claimants on the Miami National Reservation, shall be entitled to the provisions of the pre-emption laws of the United States, to one dollar and twenty-five cents per acre.

Be it further resolved, That his excellency, the Governor, be requested to transmit copies of this joint resolution to each of our senators and representatives in Congress.

CHAPTER XII.

A Joint Resolution on the subject of school section number sixteen, township twenty-seven, range six.

[APPROVED JANUARY 14, 1847.]

Be it resolved by the General Assembly of the State of Indiana, That our representatives in Congress be requested, and our senators instructed, to procure the passage of a law authorizing the school trustees of township number twenty-seven north, range six east, to select from among any of the lands of the United States situated in the Miami Reserve, such quantity of lands as will be equal in value to the five hundred acres of land covered by an Indian float, located upon the sixteenth section in said township: *Provided,* That the location of said land in the Miami Reserve shall not interfere with the existing claim of any pre-emption in said Reserve.

CHAPTER XIII.

A Joint Resolution in relation to granting land to Mr. Whitney to enable him to construct a railroad from Lake Michigan to the Pacific Ocean.

[APPROVED JANUARY 28, 1847.]

Be it resolved by the General Assembly of the State of Indiana, That our Senators and Representatives in Congress be requested to vote in favor of granting the public land asked for by Mr. Whitney to enable him to construct a railroad from Lake Michigan to the Pacific Ocean; and that the Governor be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

CHAPTER XIV.

A Joint Resolution to the Congress of the United States on the subject of increasing the monthly pay and making a donation of land to the Volunteers in the Mexican War.

[APPROVED JANUARY 5, 1847.]

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use their exertions to procure the passage of a law increasing the monthly pay of the volunteers now in the service, or who may hereafter be mustered into the service of the United States, in the war now existing with Mexico; and also to procure a bounty to each volunteer, of one hundred and sixty acres of land, to be selected from any part of the public domain. And in case of the death of any volunteer who may be entitled to any land under this act, the said land shall descend to the wife and children of said decedent.

Be it further resolved, That his excellency, the Governor, be requested to transmit to each of our senators and representatives in Congress a copy of this joint resolution.

CHAPTER XV.

A Joint Resolution on the subject of arming our light companies with rifles.

[APPROVED JANUARY 23, 1847.]

WHEREAS, The soldiers of Indiana are emphatically riflemen, and but little accustomed to the use of the musket, and consequently would do much more execution in fighting the battles of their country in the character of flankers or sharp shooters, than can be done by the random shots from the musket: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That in making requisition upon the General

Government for our quota of arms, the Governor of this State be and he is hereby required to draw at least three-fourth parts of all the small arms so required and drawn by the State annually, in rifles, to be distributed among the light companies of the respective brigades.

CHAPTER XVI.

A Joint Resolution in relation to holding a session of the Supreme Court of the United States west of the Allegheny Mountains.

[APPROVED JANUARY 27, 1847.]

WHEREAS, It is deemed expedient and proper that a session of the Supreme Court of the United States should be holden west of the Allegheny mountains, at some eligible point, convenient equally to the west and south-west, on account of the difficulty, by reason of the distance and great expense of attending said court at Washington City, and the delay occasioned by eastern lawyers to fully understand the causes originating west of said mountains, as well as to learn the peculiar laws regulating said causes: AND WHEREAS, Most of the causes tried in said court originate in the western and south-western States, and that attorneys living in those States may follow their cases and give their personal attention to the same, thus saving a great expense to their clients,

Be it therefore resolved by the General Assembly of the State of Indiana, That our Senators in Congress be and they are hereby instructed and our representatives requested to urge the passage of an act providing for holding said court as set forth by the foregoing preamble.

Resolved further, That the Governor is hereby requested to transmit a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XVII.

A Joint Resolution on the subject of improving the mail communication between Toledo, Ohio, by way of the Wabash Valley, to New Orleans.

[APPROVED JANUARY 23, 1847.]

WHEREAS, The trade and commerce of the Wabash Valley are now unsurpassed by any section of the west of similar extent and fertility: AND WHEREAS, The same are constantly increasing, and give promise of incalculable wealth and prosperity to the States in which said valley lies: AND WHEREAS, The natural outlet and principal market for the immense surplus of agricultural products annually exported from said valley are at New Orleans and the other contiguous cities of the south: AND WHEREAS, An increasing and prosperous trade is rapidly growing up between the Wabash valley and the city of New Orleans, by way of the Wabash and Erie canal and northern lakes: AND WHEREAS, It is essential to the proper growth and encouragement of said trade that the most intimate mail communication should exist between the valley aforesaid and its principal markets: AND WHEREAS, The present mail facilities are indirect, irregular, and totally inadequate to the wants of the people, and urgently call for some immediate amendment: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress are hereby instructed and our Representatives requested to use their utmost endeavors to obtain from the post office department the establishment of a daily river mail from Louisville to New Orleans, touching each way at Evansville; and also a daily mail from Evansville to Toledo, Ohio, to connect therewith.

Be it further resolved, That his excellency the Governor be directed to transmit a copy of the foregoing resolution to each of our delegates in Congress immediately after its passage.

CHAPTER XVIII.

A Joint Resolution in relation to the Buffalo and Mississippi Railroad.

[APPROVED JANUARY 26, 1847.]

Be it resolved by the General Assembly of the State of Indiana, That our Senators be instructed and our Representatives requested to use all reasonable exertions to procure a donation of a moiety of all the lands owned by the General Government situated in the Fort Wayne and Winamac land office districts in this State, to aid in the construction of the said Buffalo and Mississippi railroad.

And be it further resolved, That the Governor be requested to transmit a copy of this resolution to each of our Senators and representatives in Congress.

CHAPTER XIX.

A Joint Resolution on the subject of Postage.

[APPROVED JANUARY 5, 1847.]

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives requested to procure a change, if possible, in the post office law, so that all letters, papers, and other matter carried in the United States mail to and from the volunteer officers and soldiers of the United States pass free of postage.

Resolved further, That the Governor be requested to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XX.

A Joint Resolution of the General Assembly of the State of Indiana.

[APPROVED JANUARY 18, 1847.]

WHEREAS, The General Assembly of the State of Indiana, in and by an act entitled "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvements, and the office of fund commissioner and chief engineer," approved January 28, 1842, authorized and empowered any person or persons fully and completely to construct a clay or McAdamized road from Bloomington via Nashville, in Brown county: AND WHEREAS, The route of said road through the said county of Brown, &c., being in length about thirty-five miles, passes through a portion of the public lands of the United States, which have been in market more than twenty-six years without sale, owing to their barrenness and mountainous quality: AND WHEREAS, in the opinion of this General Assembly the making of a good road through this region, which would form a direct route for a large amount of travel from the northern parts of Kentucky, from Ohio, and other sections of country, through this State, to the States of Illinois and Missouri, to the Iowa and Wisconsin Territories, and to the far west, would be of great public importance and accommodation; that the construction of said road, owing to the hilly or mountainous face of the country through which its route passes, is beyond the ability of any private company who may feel disposed to undertake it, without such assistance as the Congress of the United States has the means of affording by a grant for that purpose of a small portion of the public lands adjoining the route of said road: AND WHEREAS, It is also the opinion of this General Assembly that said grant would have an influential tendency to invite purchasers and settlers upon those Congress lands which have been so long in market without sale, and which in the absence of some such inducement will probably for a long time to come continue to be an unproductive wilderness: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives be respectfully requested to use their endeavors to procure the passage of a law of Congress authorizing a grant or grants of two miles in width of each side of said road in the said county of Brown, &c., to such company or companies as may be hereafter organized under the provisions of said in part recited act of the General Assembly of Indiana, for the sole and express purpose of aiding and assisting in the construction of said road.

Resolved, That his excellency the Governor be respectfully requested to cause to be forwarded to our Senators and Representatives in Congress copies of the foregoing preamble and resolutions immediately after their passage.

CHAPTER XXI.

A Joint Resolution relative to the sale of intoxicating liquors by white men to Indians.

[APPROVED JANUARY 23, 1847.]

WHEREAS, The constitution of the United States grants to Congress the express power to "regulate commerce with the Indian tribes:" AND WHEREAS, The traffic which is now carried on by white traders with the Indian tribes in the various articles of intoxicating liquors is destructive of the property and life of the aborigines of this country, is fast sweeping them into untimely graves, and has contributed more than any other means to place them in their present degraded condition: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators be instructed and our Representatives in Congress be requested to use their best exertions to have efficient laws enacted to punish all persons who shall be convicted of selling intoxicating liquors to the Indians.

Resolved further, That the Governor be instructed to forward a copy of this joint resolution to each of our Senators and Representatives in Congress.

CHAPTER XXII.

A Joint Resolution in relation to the claim of Francis Vigo, late a citizen of Knox county, Indiana.

[APPROVED JANUARY 14, 1847.]

WHEREAS, Colonel Francis Vigo, late a citizen of Knox county, Indiana, deceased, had a claim against the State of Virginia for the sum of eight thousand six hundred and sixteen dollars, for advances made to the troops under the command of General George Rogers Clark, in what was called the "Illinois campaign," undertaken by that State in seventeen hundred and seventy-eight and nine, which claim has been audited and allowed by the State of Virginia, and is now before the Congress of the United States, on application for payment: AND WHEREAS, We believe that the said claim is just, due, and unpaid, and that the same should long since have been settled by the United States government: Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives requested to procure the passage of a law providing for the payment of said claim, principal, and interest.

Resolved further, That his excellency the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and representatives in Congress

STATE OF INDIANA, SECRETARY'S OFFICE, SS:

I, JOHN H. THOMPSON, Secretary of State for the State aforesaid certify that I have compared the foregoing printed with the enrolled acts and joint resolutions from which they were taken, on file in my office, and have found them correctly printed. A few words, designated [thus], were inserted by me.

In Witness Whereof, I have hereunto set my hand and affixed the
[SEAL.] seal of the State, at the city of Indianapolis, the tenth day of April, A. D. 1847.

JOHN H. THOMPSON,
Secretary of State.

EXTRACT

FROM THE REPORT OF THE AUDITOR OF STATE, BEING AN EXHIBITION OF THE CONDITION OF THE STATE FINANCES, FOR THE FISCAL YEAR ENDING OCTOBER 31, 1846.

AUDITOR OF STATE'S OFFICE,
Indianapolis, Indiana, November 3, 1846.

To the General Assembly:

In compliance with the law which devolves upon me the duty of making to the Legislature, at its annual meeting, "an exhibit of the revenues, taxables, funds, resources, incomes, and property of the State, and its expenditures for the preceding fiscal year," I have the honor to submit the following report, showing the receipts and disbursements of the public moneys, for the fiscal year commencing November 1st, 1845, and ending October 31st, 1846; and also the various accounts which are kept on the books of this office. In connection with the different statements, will be found such explanations as have been thought necessary to a correct understanding of the various matters embraced in the report; and with a view to the modification of our revenue system, wherein it is believed to be defective, such suggestions are submitted as have been deemed worthy of Legislative attention.

RECEIPTS AT THE TREASURY.

At the close of the last fiscal year there was remaining in the Treasury, provided all warrants to that date had been paid, as will be seen by reference to the last annual report from this office, the sum of

\$759,177 40

Since that date the following amounts have been received from the following sources, to-wit:

On account of revenue of 1845, the sum of	\$261,565 45
On account of revenue of 1844, the sum of	29,363 86
On account of revenue of 1843, the sum of	1,707 13
On account of revenue of 1842, the sum of	755 53
On account of revenue of 1841, the sum of	350 63
On account of revenue of 1839, the sum of	118 40
On account of sales of saline lands, (principal and interest,)	2,012 30
On account of interest on loans of saline fund,	1,859 20
On account of loans of saline fund refunded,	1,073 75
On account of damages on sales of lands mortgaged to saline fund,	60 20
On account of loans of university fund refunded,	3,047 50
On account of interest on loans of university fund,	3,705 61
On account of sales of lands of university fund, (principal,)	2,560 21
On account of sales of lands of university fund, (interest,)	849 11
On account of damages on sales of lands mortgaged to university fund,	144 54
On account of loans of bank tax fund refunded,	745 86
On account of interest on loans of bank tax fund,	571 53
On account of interest on loans of surplus revenue fund,	496 87
On account of loans of surplus revenue fund refunded,	340 00
On account of damages on sales of lands mortgaged to surplus revenue fund,	48 90
On account of damages on sales of lands mortgaged to bank tax fund,	18 60
On account of costs of advertising saline fund refunded,	4 00
On account of costs of advertising university fund refunded,	24 00
On account of costs of advertising bank tax fund refunded,	4 00
On account of costs of advertising surplus revenue fund refunded,	5 75
On account of costs of advertising congressional township fund refunded,	2 00
On account of estates without known heirs,	105 00
On account of loans of treasury fund refunded,	67 31
On account of interest on loans of treasury fund,	35 99
On account of loans of congressional township fund refunded,	6 50

On account of interest on loans of congressional township fund,	86 45
On account of sales of Wabash and Erie canal lands east of Tippecanoe, (principal,)	82,896 15
On account of sales of Wabash and Erie canal lands east of Tippecanoe, (interest,)	19,271 91
On account of scrip issued for Wabash and Erie canal east of Tippecanoe,	35,000 00
On account of tolls on Wabash and Erie canal east of Tippecanoe,	50 989 05
On account of water rents on Wabash and Erie canal east of Tippecanoe,	2,028 00
On account of sales of Wabash and Erie canal lands west of Tippecanoe,	87,605 00
On account of scrip issued for Wabash and Erie canal west of Tippecanoe,	50,000 00
On account of water rents on Northern Division of Central canal,	2,933 30
On account of Dillon's History of Indiana,	2 00
On account of Lawrenceburgh and Indianapolis railroad company,	38,007 87
On account of suspended debt,	49,278 38
On account of tolls on New Albany and Vincennes road,	1,459 64
On account of Revised Statutes,	296 85
On account of Michigan road lands,	100 40
On account of bank tax fund from the State Bank,	20,928 67
On account of damages on sales of lands mortgaged to Congressional township fund,	11 87
On account of interest on loans of Indianapolis fund,	72 00
On account of Tippecanoe Battle Ground Monument,	25 22
On account of interest on bank loan refunded,	135 00
On account of interest on scrip hypothecated with bank,	11,868 74
On account of State House expenses refunded,	127 35
On account of common school fund derived from sinking fund, (being five per cent. scrip paid in by sinking fund commissioners,)	100,687 65

Total receipts from November 1st, 1845, to October 31st, 1846, (including balance on hand November 1st, 1845,) \$1,633,638 63

EXPENDITURES.

Since the close of the last fiscal year the following expenditures have been audited at this office, to-wit:

Amount audited on account of probate judges, - -	\$4,919 00
Amount audited on account of loans of university fund, - - - - -	5,240 00
Amount audited on account of damages on sales of lands mortgaged to university fund, - - -	135 11
Amount audited on account of saline fund distributed, - - - - -	6,203 70
Amount audited on account of bank tax fund distributed, - - - - -	13,111 55
Amount audited on account of surplus revenue fund distributed, - - - - -	362 99
Amount audited on account of damages on sales of lands mortgaged to surplus revenue fund, - -	48 90
Amount audited on account of State Prison, - -	2,188 11
Amount audited on account of three per cent. fund distributed, - - - - -	1,641 52
Amount audited on account of salaries of judges of supreme and circuit courts, - - - - -	15,045 22
Amount audited on account of State House, - -	568 32
Amount audited on account of specific appropriations, - - -	6,228 95
Amount audited on account of public printing and binding laws, - - - - -	4,904 90
Amount audited on account of prosecuting attorneys, - - -	1,818 83
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Amount audited on account of damages on sales of lands mortgaged to bank tax fund, - - -	18 50
Amount audited on account of State Library, - -	438 55
Amount audited on account of salaries of president and professors of State University, - - -	5,050 00
Amount audited on account of salaries of adjutant and quarter master generals, - - - - -	200 00
Amount audited on account of stationery and fuel, -	2,111 69
Amount audited on account of salaries of executive officers, - - - - -	2,000 00
Amount audited on account of revenue of 1839 refunded, - - - - -	1 25
Amount audited on account of revenue of 1840 refunded, - - - - -	6 48
Amount audited on account of revenue of 1841 refunded, - - - - -	60 90
Amount audited on account of revenue of 1842 refunded, - - - - -	61 63

Amount audited on account of revenue of 1843 refunded, - - - - -	61 53
Amount audited on account of revenue of 1844 refunded, - - - - -	5 92
Amount audited on account of revenue of 1845 refunded, - - - - -	10 00
Amount audited on account of costs of advertising sales of lands mortgaged to saline fund, - -	21 00
Amount audited on account of costs of advertising sales of lands mortgaged to university fund, - -	65 25
Amount audited on account of costs of advertising sales of lands mortgaged to bank tax fund, - -	11 25
Amount audited on account of costs of advertising sales of lands mortgaged to surplus revenue fund, -	5 25
Amount audited on account of expenses of University fund, - - - - -	60 33
Amount audited on account of Congressional township fund distributed, - - - - -	125 42
Amount audited on account of new State Prison, -	2,400 00
Amount audited on account of construction of Wabash and Erie canal east of Tippecanoe, - -	71,136 67
Amount audited on account of repairs on Wabash and Erie canal east of Tippecanoe, - - -	87,339 68
Amount audited on account of incidental expenses of Wabash and Erie canal east of Tippecanoe, - -	5,511 37
Amount audited on account of damages on Wabash and Erie canal east of Tippecanoe, - - -	1,042 14
Amount audited on account of interest refunded on Wabash and Erie canal east of Tippecanoe, and miscellaneous expenditures, - - - - -	1,153 56
Amount audited on account of Wabash and Erie canal scrip east of Tippecanoe redeemed and cancelled, -	90,537 92
Amount audited on account of interest on Wabash and Erie canal scrip redeemed and cancelled, -	4,999 54
Amount audited on account of construction of Wabash and Erie canal west of Tippecanoe, - -	25,163 25
Amount audited on account of repairs on Wabash and Erie canal west of Tippecanoe, - - -	31,478 31
Amount audited on account of incidental expenses of Wabash and Erie canal west of Tippecanoe, -	8,364 33
Amount audited on account of Wabash and Erie canal scrip west of Tippecanoe redeemed and cancelled, -	259,415 00
Amount audited on account of incidental expenses of treasury notes, - - - - -	134 36
Amount audited on account of expenses of Saline fund, - - - - -	6 00
Amount audited on account of expenses of Congressional township fund, - - - - -	9 68

Amount audited on account of damages on sales of lands mortgaged to Saline fund, - - - -	60 20
Amount audited on account of construction of Central canal, northern division, - - - -	301 67
Amount audited on account of repairs on Central canal, northern division, - - - -	1,990 08
Amount audited on account of incidental expenses of Central canal, northern division, - - - -	700 00
Amount audited on account of Lawrenceburgh and Indianapolis railroad, - - - -	4 00
Amount audited on account of payments by State Agent under joint resolutions, - - - -	3,470 41
Amount audited on account of contingent fund, -	319 73
Amount audited on account of Presidential Electors, -	32 20
Amount audited on account of five per cent. Treasury notes redeemed and cancelled, - - - -	76,590 00
Amount audited on account of interest on five per cent. Treasury notes redeemed and cancelled, -	10,229 31
Amount audited on account of suspended debt, -	2,069 74
Amount audited on account of six per cent. Treasury notes redeemed and cancelled, - - - -	147,370 00
Amount audited on account of interest on six per cent. Treasury notes redeemed and cancelled, -	36,204 00
Amount audited on account of State bonds redeemed and cancelled, - - - -	42,000 00
Amount audited on account of interest on State bonds redeemed and cancelled, - - - -	4,750 00
Amount audited on account of incidental expenses of State Agent, - - - -	2,487 45
Amount audited on account of construction of New Albany and Vincennes road, - - - -	200 00
Amount audited on account of repairs on New Albany and Vincennes road, - - - -	902 17
Amount audited on account of incidental expenses on New Albany and Vincennes road, - - - -	357 47
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Amount audited on account of damages on sales of lands mortgaged to Congressional township fund, -	11 87
Amount audited on account of Indianapolis fund refunded, - - - -	367 50
Amount audited on account of incidental expenses of Wabash and Ohio canal, - - - -	8,058 18
Amount audited on account of damages on Jeffersonville and Crawfordsville road, - - - -	2,238 65

Amount audited on account of the education of the blind, - - - -	474 87
Amount audited on account of expenses of Indianapolis fund, - - - -	5 00
Amount audited on account of the lunatic asylum, -	13,148 22
Amount audited on account of transporting and preserving the public arms, - - - -	591 81

Total amount audited from November 1st, 1845, to October 31st, 1846, both days included, - - \$1,044,277 95

Total receipts from November 1st, 1845, to October 31st, 1846, as above, - - - - \$1,633,638 63
Total expenditures during same period, - - - - 1,044,277 95

Balance in the treasury on the first day of November, 1846, provided all warrants issued prior to that date had then been redeemed, - - - - \$589,360 68

From an examination of the Treasurer's books it appears that there are now outstanding warrants to the following amounts:

Regular treasury warrants, - - - -	636 61
Internal improvement warrants, - - - -	665 81

Which sums being added to the balance above would make the true amount in the treasury on the 1st day of November, 1846, - - - - \$590,663 10

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